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IDAHO FOREST MANAGEMENT ACT OF 1988

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

S. 2055

TO DESIGNATE CERTAIN NATIONAL FOREST SYSTEM LANDS IN THE STATE OF IDAHO FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM, TO PRESCRIBE CERTAIN MANAGEMENT FORMULAE FOR CERTAIN NATIONAL FOREST SYSTEM LANDS, AND TO RELEASE OTHER FOREST LANDS FOR MULTIPLE-USE MANAGEMENT, AND FOR OTHER PURPOSES

JUNE 21, 1988

PART 2

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IDAHO FOREST MANAGEMENT ACT OF 1988

TUESDAY, JUNE 21, 1988

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:50 a.m., in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator BUMPERS. The committee will come to order.

First, let me apologize for inconveniencing everybody. It was one of those traffic jams that was unavoidable. And I just got a phone in my car. I have always resisted that. I hate people who drive down the road with a phone in their ear. But it did come in handy. I could at least alert you this morning to the fact that I was going to be late.

The purpose of the hearing today is to receive testimony on S. 2055, a measure currently pending before the Subcommittee on Public Lands, National Parks and Forests. The bill would designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness System, would prescribe certain management formulas for selected national forest lands, and would release other forest lands for multiple use management.

With an estimated 17 million acres of roadless lands, Idaho has the largest undeveloped land base of any of the lower 48 States. About 13 million acres of unroaded national forest lands remain, approximately 4 million of which have already been designated wilderness.

Idaho's roadless areas contain some of the grandest mountain ranges in the Nation. These lands also provide important habitat for bighorn sheep, mountain goats, grizzly bears, the endangered woodland caribou, the Rocky Mountain grey wolf, as well as the chinook salmon and steelhead. The unroaded areas also contain important mineral resources, oil and gas potential, livestock forage and valuable timber.

Whenever wilderness legislation comes before this subcommittee, there is bound to be diversity of opinion surrounding it, and this bill is no exception. I, therefore, welcome the witnesses who come before us today in hopes that they can provide new insights into this measure for us to consider. The hearing record will remain open for two weeks for the purpose of receiving additional materials, statements, et cetera.

We are most honored this morning to have the Governor of Idaho with us, not just the Governor of Idaho, but a very dear and longtime friend of mine. We were both elected Governor together in 1970. He served with great distinction during that period as he is now serving with great distinction. In the meantime, he was Secretary of the Interior. And all of us remember that he performed a very admirable job in that position. Cece, we are very honored to have you this morning. We look forward to your testimony.

Governor ANDRUS. Thank you, Mr. Chairman.

STATEMENT OF HON. JAMES A. McCLURE, U.S. SENATOR FROM IDAHO

Senator McCLURE. Mr. Chairman, if I might open with a word of thanks to you and to the subcommittee for making this hearing possible. Your cooperation throughout has been very, very helpful to us—you and the subcommittee staff—not only for this hearing but for the field hearings on the bill that were held in Idaho earlier this year.

I have elected this morning to appear as a witness on my own bill, along with the Governor. And we were somewhat joking between ourselves earlier that perhaps we ought to appear and testify together as witnesses. We may be the only ones who testify in support of the bill. [Laughter.]

Senator BUMPERS. This land is diverse, isn't it? [Laughter.]

Senator McCLURE. But we are very serious about that.

The issue of designating lands as wilderness has been difficult. It's always emotional and it's contentious ever since Congress passed the Wilderness Act of 1964. Idaho is no different, and the subject of this hearing, Senate bill 2055, is our attempt to resolve that issue. But if the committee will indulge me, let me give a brief history of what has happened in Idaho over the past few years on the wilderness issue. If members of the subcommittee are to understand why we are here today, I believe it is important that they understand the actions and decisions that have brought us here.

Bear in mind that two-thirds of the State of Idaho is comprised of public lands. In other words, the Federal Government is our landlord. Of that amount, 3.9 million acres of Forest Service lands have already been set aside as wilderness. Idaho is second only to California in the number of acres of wilderness in the lower 48 in the continental United States. Decisions on how the remaining roadless Forest Service lands are managed have a direct effect upon jobs, local economies and recreation.

The last legislative attempt to resolve the wilderness issue in Idaho was in 1984. At that time the Idaho congressional delegation introduced a bill that would have added roughly 526,000 acres of new wilderness to the 3.9 million acres of existing wilderness. We stated at the outset that the bill was the starting point for negotiations, but after repeated attempts to reach a compromise, we were confronted with a series of non-negotiable demands that brought the process to a halt in the fall of 1984.

After Governor Andrus was elected in 1986, we had a discussion about the wilderness issue. We concluded that it was worth the time and effort to take another crack at a legislative solution. So, last year we sat down to begin crafting a new wilderness bill for the State.

Neither of us went into that process with a preconceived notion of how the bill should look. We also did not enter into that process with any acreage ceilings or floors. What we did was go through the State, area by area, examine the different resource values on various portions of lands and then determine the best management for those areas. Only after we had completed that process last December, did we add up the number of acres to be designated as wilderness.

In some areas we determined that the resources and values of certain areas required a management approach that was more complicated than a straightforward decision to include or exclude it from wilderness. That is why we have several special management areas included in our bill. In those areas we have recommended a mix of land management proscriptions that reflect the diverse nature of the resources.

The final product we believe is a chain of delicately balanced tradeoffs. Virtually every decision to allow timber harvesting has been balanced by another decision to protect fish and wildlife habitat. Every decision to allow motorized access in a given area has been balanced by another decision to set aside an area where no motorized vehicles are permitted.

After the bill was introduced in February, this subcommittee held three field hearings in Idaho this past March. Over 400 people testified at those hearings. Since that time, Governor Andrus and I have reviewed the testimony of these witnesses, examining their proposed modifications and suggestions on how to improve our bill. Based upon our review, we determined that some modifications were in order, and last week we announced our intention to make modifications to the bill which brings us to this hearing today.

We have a number of witnesses here today to testify on the Idaho Forest Management Act. I'll venture that only one witness supports this bill in its entirety, and I'm sure the Governor will discuss that. I say that not to be sarcastic, but to underscore the point that in a true compromise, no single group or special interest is going to get everything it wants.

Cece Andrus is no stranger to this committee, and I welcome him to this hearing today. It's no secret that he and I sit on opposite sides of the political aisle. It's also no secret that Cece Andrus and I have had many differences about natural resource issues and land management questions over the years. But the fact that he and I both believe this issue must be resolved led us to hammer out this compromise proposal, and I do mean hammer. The compromises that we struck were difficult for each area. We are committed to seeing this bill passed by Congress, and we stand before you today in support of a bill that we believe strikes a balance between the competing demands upon public lands and resources in Idaho.

Governor Andrus and I have done our level best to forge a compromise piece of legislation to resolve the wilderness issue in our State. The different interest groups in our State, the environmentalists, the forest products industry, the recreation groups, have so far been unable to sit down among themselves and work out a compromise that they all can support. In the absence of their ability to do that, Governor Andrus and I stepped in. If there is not a legislative solution to this issue, there will inevitably be a litany of appeals and legal challenges, and the matter will end up being resolved by the courts. That, to us, is a lousy way to manage public lands.

If there is a better compromise between these competing demands on our lands, the Governor and I would sure like to see it. In the meantime, we believe that the bill before the committee today is as close as we're going to get to a true compromise that can resolve an issue that is of critical importance to Idaho.

Mr. Chairman, I would be pleased at this time to yield to my friend, the Governor of the State of Idaho, for his statement.

Senator BUMPERS. Thank you.

Governor Andrus?

STATEMENT OF HON. CECIL D. ANDRUS, GOVERNOR, STATE OF IDAHO

Governor ANDRUS. Mr. Chairman, first let me say that it's an honor, Mr. Chairman, to be back with you again and to have the opportunity to appear before this committee. I feel more comfortable in the chairs. They seem to fit better today than they did some years back, but I appreciate this opportunity particularly to be before the distinguished chairman of this committee.

Senator BUMPERS. We have a way here of making secretaries of the Interior wish they had never been chosen. [Laughter.]

Governor ANDRUS. My memory is long enough to recall your methodologies. [Laughter.]

I would say, Mr. Chairman, that in that I echo most of the messages that were included in Senator McClure's testimony, I would ask that I be permitted to summarize my testimony and the entire testimony be included in the record.

Senator BUMPERS. Without objection, so ordered.

Governor ANDRUS. Mr. Chairman, I came before you this morning to ask you and this committee for help in the resolution of the longstanding debate you are aware is taking place in Idaho. It has been very divisive. It has been diverting. It has caused Idahoans to split on this issue to where we have been unable to properly manage our resources because we spend most of our time and our money fighting with one another.

And Idaho, as you pointed out in your opening comments, Mr. Chairman, is a State that is blessed with spectacular mountains, the roaring rivers, great populations of big game and wildlife and, of course, large stands of merchantable timber that is very, very necessary to sustain the timber industry within our State.

For almost a year now, your colleague and Idaho's senior U.S. Senator, Jim McClure, and I have in fact, been working together to bring about legislation that we think would resolve this issue. As he points out to you, it has not been easy. It's a very difficult task. But we have what I think is a true compromise. It protects the remaining wilderness land that is outstanding and the very best portions of it, but at the same time, Mr. Chairman and Senators, it does recognize the importance of the timber industry and other natural resource industries in Idaho.

As Senator McClure pointed out, very few people will support this bill in its entirety, but I submit to you that that is usually how a compromise comes about. There are those individuals and groups at the extreme ends that don't want any additional wilderness, and those that will say to you that they want 3.9 million or even 9 million acres of wilderness. And you will hear them say today that no bill is better than a bill that gives them less than what they want. They absolutely refuse to compromise, Mr. Chairman. I'm not critical. It's just the nature of the beast. I would say to you that that does not include the vast numbers of the Idaho citizens who truly want this resolved fairly, reasonably and intelligently. And I would hope that the vehicle that we present to you is just that.

Very quickly, as you point out, we have roughly 4 million acres of wilderness in Idaho now. This will add another 1 and a half million acres of wilderness, giving us about 5 and a half million acres of true wilderness.

It will give us an additional 600,000 acres of special management area.

The bill recognizes the special role of the timber industry and what role it plays in our economy.

The bill neither adds nor does it detract from water rights in wilderness areas. I think you will find that it is neutral in that regard, and that's what we were striving for.

The Senator has covered our amendments. I would just say to you that I think, Mr. Chairman, you and I worked together long and hard in 1978, 1979 and 1980 on the Alaska's lands bill. You know that that was a compromise. I would say to you that that was an equally polarized issue. No group came away with everything that it wanted, and no group will come away with everything they want in this legislation.

But we need your help to settle this controversy, Mr. Chairman. I would say to you and your committee members, Members of Congress that sit here, if we fail in this attempt, I don't think we're going to have another chance. You're going to see us moving into lengthy and expensive litigation. So, I would say, Mr. Chairman, that the time has come for Idaho to have a wilderness bill, and I ask you to consider carefully and act favorably upon the vehicle that this Senator and I have jointly produced. And again, I express appreciation to you for permitting the field hearings last March and for scheduling this hearing now. And I would submit myself to any questions that you or your colleagues would have, Mr. Chairman.

[The prepared statement of Governor Andrus follows:]

REMARKS BY: CECIL D. ANDRUS
            Governor of Idaho

On: The Idaho Forest Management Act (S.2055)
For delivery: 9:30 AM, June 21, 1988, Washington, D.C.
To: The Subcomittee on Public Lands, National Parks and Forests
    of the U.S.Senate Committee on Energy and Natural Resources

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Mr. Chairman. It is an honor for me to appear once again before this committee and its distinguished chairman.

I come before you today to ask your help in bringing a resolution to the longstanding debate in Idaho over our remaining nine million acres of roadless land. This debate--which, in my opinion, has gone on too long--is divisive and diverting. It has caused a split among Idahoans, and it has prevented us, in many instances, from moving forward with a constructive discussion of how we will manage our state's vast and rich natural resources.

As you know, Mr. Chairman, Idaho is a state richly blessed with spectacular mountains, roaring rivers, great populations of big game and, of course, enormous stands of merchantable timber and tremendous mineral wealth. In short, we have much to manage wisely.

Currently, Idaho has approximately four million acres of Congressionally-designated wilderness, but nine million additional acres remain roadless, thus making them eligible for wilderness designation.

For almost a year now, your colleague and Idaho's senior United States Senator, Jim McClure, and I have been working on the legislation that is before you today. Senator McClure and I took on this admittedly difficult task because we both feel a balanced resolution of this issue is critical for our state and its citizens.

We have approached this issue in the spirit of bi-partisan compromise, and, in my opinion, we have crafted a reasonable compromise that protects the best of the remaining wilderness land and also recognizes the critical economic role of the natural resource industries in Idaho.

(continued)

Hardly anyone has embraced our bill in its entirety, perhaps because almost everyone--every faction in this debate--both wins and loses a little under this bill. I submit, Mr. Chairman, that such is the nature of compromise.

Those individuals and groups at the extreme ends of this debate--those who want no more wilderness and those who won't be satisfied with anything less than millions more acres--cannot be pleased. You will hear some of them say that no bill is better than a bill that gives them less than they want. They simply will not accept a compromise.

However, a great many Idahoans, in my opinion, want this issue resolved fairly, reasonably and intelligently. Senator McClure and I have concentrated on their wishes, and I believe what you have before you now reflects balance.

Let me discuss very briefly some of the highlights of this bill:

--It seeks to declare as wilderness approximately 1.5 million acres;

--It creates approximately 600,000 acres of Special Management Areas, areas that require special consideration based on a number of resource and recreational values. These Special Management Areas in no way infringe on already-existing rights of appeal or challenge to Forest Service management plans;

--It recognizes the special role the timber industry plays in our state by acknowledging some of the direct trade-offs that occur in order to allow wilderness protection while assuring an adequate timber supply.

--The bill neither adds to nor detracts from the federal government's existing ability to acquire water rights in wilderness areas.

--But above all, the bill recognizes the need for balance among the widely-differing points of view on this issue.

(continued)

Last week, Senator McClure and I announced several changes we will propose in the bill. These changes came about in response to the testimony of more than 400 Idahoans who appeared at field hearings in Idaho in March. I think you will find that the changes improve and strengthen the bill.

The Chairman will remember our efforts in years past to solve an equally polarized issue: the Alaska Lands dispute. In that debate--as in this debate--a solution required a compromise. No group came away with all it wanted, but the compromise that was struck will, in my opinion, serve us well for years to come.

Solutions to difficult public land management issues are never easy, but solutions must be devised. And those solutions require a balanced compromise.

We need your help to settle this controversy. If we fail in this attempt, I fear we may not have another chance. Failure means more unproductive debate, more uncertainty surrounding our public lands, and a lost opportunity to protect forever some of the world's most spectacular areas.

The time has come for an Idaho Wilderness Bill, and Mr. Chairman, I ask you to consider carefully and act favorably upon the vehicle Senator McClure and I have jointly produced.

Thank you.

* * *

Senator McClure. Mr. Chairman, might I make just one very brief statement in addition because I want to underscore one thing the Governor said and address myself to maybe three or four of the major criticisms that have already been surfaced in public comments about the bill, as well as in testimony.

One the Governor made mention of is the provision on water rights. I don't know whether people truly don't understand what the intention of the language is, or maybe we can come up with language that says it better. But it is not an attempt to add or subtract one bit from the Federal Government's current rights with respect to water on those public lands.

But I do believe it is wise for us in any special designation of public lands to indicate what we intend with respect to the resources that we're dealing with. And one of those very important resources in an arid area of the country is water. And so, we have attempted to say in the language included in this bill that the Federal Government has whatever rights it already has as a result of its being designated as a part of the U.S. National Forest System. Any additional rights would be acquired by application pursuant to state law, but this bill does not add to nor subtract from the Federal Government's present claims with respect to water.

We have been criticizing for including about over 600,000 acres in special management areas. And those are areas upon which the resource conflicts were very pointed and the passions are very high. And they are primarily in four areas: the Bonners Ferry ranger district, in the Mallard-Larkins area, the south fork of the Salmon River, and in French Creek.

Senator Bumpers. Jim, let me ask you to do me a favor. Could you just point those areas out on this map to me and describe them briefly?

Senator McClure. Near the Canadian border is the Bonners Ferry ranger district. The second is the Mallard-Larkins areas. The green areas are special management areas. This is also a special management area, but it is in the Kelly-Cayuse Creek area. Then we have French Creek here and the south fork of the Salmon here. We also have some special management areas designated down in the Boise National Forest. But these are the primary concerns I believe.

Senator Bumpers. How many acres in those special management areas?

Senator McClure. About 660,000 acres after we discuss the changes that the Governor and I have suggested in those special management areas, a very small one in the Mallard-Larkins area and the larger one in the Boise National Forest.

These are areas where the timber industry wanted them left out from multiple use management. The preservation groups wanted them placed in wilderness. The Governor and I looking at the resource in those particular areas said this is the only way we can balance the resources is by leaving them out of the wilderness boundaries, but prescribing that they will have the availability of timber, but in the Mallard-Larkins in particular with very careful attention to the water quality and very special management provisions with respect to those special management areas on the south fork of the Salmon and in French Creek. We think that is the appropriate balance to strike rather than leaving them out of wilderness, leaving them subject to the forest planning process without restriction, or on the other side, moving them into the wilderness boundaries.

A special note should be made of the Bonners Ferry district because I think it illustrates one of the very distinct tradeoffs. That area supports local communities that are dependent upon the timber industry, and a great many groups in Idaho want Long Canyon designated as wilderness. Long Canyon has an annual sales quantity or allowable cut, depending upon which terminology you want to use, of somewhere between 3 million and 5 million board feet per year.

We decided that there was only one way we could yield to that desire for designation of the wilderness in Long Canyon, and that was to assure the timber industry and those communities in that area that we would have no less than 40.5 million board feet coming out of the forests in that area, and so we did prescribe an increase in the Bonners Ferry ranger district of 3½ million board feet per year, which we think can be easily accomplished with no derogation of any of the statutorily mandated proscriptions within that area. But it was a simple, very direct, very straightforward tradeoff.

The final issue that I think you might have heard about already may be in the area of road definition because one of the problems we have had in the past was designation of wilderness areas or studies for wilderness that really don't meet the statutory mandate that they be roadless areas. There are roads in some areas that we have designated. The governor and I said we are not going to do that. We're going to try to make an honest expression here. If the roads are there, they're there. They don't qualify for wilderness. But we did look at areas in which we know there are some roads and say the preferable answer to that instead of excluding the entire area from wilderness is to exclude the roads from the wilderness boundary. And so, we tried to write a definition that meets the facts that exist where a road does exist and leave those roads out of the wilderness designations.

Senator **Bumpers**. Will the Forest Service maintain those roads?

Senator **McClure**. Not in every instance. In some instances they are maintained by the user. In some instances, they are low maintenance, low standard roads that don't require annual maintenance. But they are roads that are currently in use and have been in use over a long period of time.

Senator **Bumpers**. Is your definition of roads in the bill one of the things that the opponents object to?

Senator **McClure**. Yes.

Governor **Andrus**. Mr. Chairman, I would echo what the Senator has said, but I'd always say if somebody has a better definition to achieve what we are trying to achieve, we're not unreasonable in looking at that definition. But it is difficult for people in other areas of the world to understand what we call a road in the State of Idaho. It's very, very minimum and sometimes usable only for 2 or 3 months of the year depending on whether it's a livestock operator who has to maintain his grazing allocation or summertime historical uses to some of our different unique areas. But what we're trying to say is that if the roads are there and there for a certain use, they should be used.

I would point out that in the two lower green blocks that the Senator referred to as the Boise National Forest, that we're talking about the Trinities. We're talking about the Smoky Mountain-Lime Creek areas. Basically the use there is recreational vehicles in the wintertime. If you declare it wilderness, then they can't take the snow mobiles into some of those areas in the winter because it's motorized. Yet, that is one of the major recreational uses, and that still protects the water quality of the area. And so, it's not all loggers versus fishermen. It's recreational vehicle enthusiasts versus the environmental community in some instances.

I would stop there and just say we have done our best to meet the needs of that area. I think we've done it, but you're not going to have unanimity.

Senator BUMPERS. Governor Andrus, one of the concerns that has been expressed are these off-road vehicle corridors. Have you set out specifically certain corridors in these wilderness areas for ORV use?

Governor ANDRUS. Where you have an existing trail. And the one you have probably heard more about than anything else is in the Boulder-White Clouds where there is a corridor that's there. Now, I took a saddle horse last summer, Mr. Chairman, and rode the length of that. And you talk about an improved trail. In most instances it has been laid back with power saws, and the timber is taken back away from that trail in many of the areas. I could probably have driven a four-wheel drive jeep sized vehicle through most of those areas. It is heavily traveled with two-wheeled motorized vehicles.

And if that road had—trail—I think it's referred to as a trail, but it's pretty improved. If it hadn't been there, no, it shouldn't be there. But, Mr. Chairman, it's there. You can't pretend it isn't. You can't ignore it, and there is a large group of our population that use that as a loop.

Now, in our amendments last week, we added a substantial amount of 50,000 acres, and I can point to that. Here's the trail that we talked about. It's that cherry stemming, if you will. We added 50,000 acres below this last week in our proposal to give additional wilderness area. But it's there. I mean, how can you pretend it isn't, Mr. Chairman?

Senator MCCLURE. And just a word of clarification in that regard, there are no corridors within a wilderness, I mean——

Senator BUMPERS. They have been excluded as I understand it.

Senator MCCLURE. We excluded them from the wilderness boundary.

And I might mention too the State of Idaho has a very active program in recreational improvement in which the users of ORV's pay a tax that goes into a fund for the improvement of the facilities they use, just as we do in a waterways fund to improve boating facilities. And many of these trails that we have tried to recognize—true in the Trinities, true in a number of areas around the State—are trails upon which that improvement fund has been used. So, there have been heavy expenditures in some of those areas for the maintenance or improvement of those trails.

Governor ANDRUS. One other point, Mr. Chairman, on the road situation. If we do not have a wilderness bill passed by this Congress, then those existing uses are going to continue, and if you don't declare it wilderness, the off-road vehicle people are using it now in many of these instances. And that is going to continue until we resolve this issue. As divisive as it is, I say to you that now is the time to resolve it.

Senator BUMPERS. Senator McClure, why have you made grazing mandatory in this? Does this affect the Forest Service's ability to protect wild lands?

Senator McCLURE. I don't believe so. The Wilderness Act itself permits the continuation of existing grazing, and we just wanted to be very upfront about it and say, yes, we intend that that provision of the basic Wilderness Act be implemented in these areas.

Senator BUMPERS. Does the bill set out where mandatory grazing will occur?

Senator McCLURE. No.

Senator BUMPERS. Does it take away any discretion of the Forest Service or the BLM on grazing?

Senator McCLURE. The only discretion that it might possibly take away is the total elimination of grazing in those units, which I don't think they intend to do and I don't think anybody else does.

There has been one comment made by Idaho Fish and Game with respect to what do you mean by motorized access in the way that they have done. Some of those areas that are relatively open, they may have hauled salt in. They may haul camp supplies in in the back of a pickup or a jeep. There is no existing road even by the definitions that we have, and we have said that access for those purposes in the way that they have done it in the past can be continued in connection with the grazing allotment. The Idaho Fish and Game expressed some concern that that might open it to other uses, and I think it's safe to say that neither the Governor nor I intend that that provision be permitted as an opening for other purposes. It is for that singular, limited purpose.

Governor ANDRUS. And the permittee of the AUM's in that area has the right to maintain the grazing of the livestock, but that same permittee is not empowered to use his motorized equipment to get in there in the fall for a private hunting party. I mean, to handle the livestock, that's one thing, but the fear of the Idaho Fish and Game Department was that would cause it to open it up in the fall for other things. And that, Mr. Chairman, is not our intent, and that I believe is taken care of in the bill.

Senator McCLURE. I think one other thing might be mentioned, and that is that in some of those grazing allotments, particularly where water is a problem, there may be improved water facilities. We grant them the authority to maintain those even though they are within the boundaries of a wilderness. But that does not detract from the ability of the Forest Service to manage that kind of use.

Senator BUMPERS. You don't intend by this bill to undermine the *Sierra Club* v. *Block* decision?

Senator McCLURE. The *Sierra Club* v. *Block* decision would have effect—let me put it this way. What the language intends to do is apply an answer for Idaho without attempting to say anything with respect to other States in the Union. I want to be very careful in answering that question because the language would apply not only to the wilderness areas being designated by this bill, but would apply also to the wilderness areas created by previous legislation. And since there was no provision with respect to water rights in previous legislation, some might argue that that affects the *Sierra Club* v. *Block* decision. To that extent, it is possible to say that it does, but it does so not generically. It does so only with respect to the areas in Idaho.

Senator BUMPERS. Did you spend a lot of time arriving at a definition of a road in this bill, Jim?

Senator McCLURE. We had extensive discussions on how to define what is a matter of practice out there. I could throw out some names of areas which would mean something to Idahoans, but would mean nothing to you, I'm certain. And I'll do it because the record will speak to Idahoans.

For example, there is a forest road that goes to War Eagle lookout, and from War Eagle lookout there is a road that is maintained by the Forest Service. It goes just a little ways further down Cottontail Ridge. As a matter of fact, that goes a long distance down Cottontail Ridge that has been in use for 75 years. And that's not maintained because there is no need to maintain it. It is down the top of an open ridge. There is no timber in the way, and the result is you can drive down there. The road has been established by use, and it has been in use for a long, long time.

There are lots of areas like that in our State where the pattern of use doesn't require construction or maintenance. It was open country and people have used it, and the road is there. And that is what the Governor and I were trying to do in this definition.

Senator BUMPERS. Chief Robertson is going to testify here in a little while in opposition to the mandated timber harvest part of the bill. And I don't have to tell either of you the problems we have had with the Tongass. It is one of the most heated controversies we have in this committee right now.

Let me ask you two questions. One are we heading down the same road with these mandated harvests that some of us think we made a mistake on in the Tongass? Number two, does this not really take away the Forest Service management authority granted under the National Forest Management Act?

Governor ANDRUS. Mr. Chairman, may I speak to that?

Senator BUMPERS. Sure, either one of you.

Governor ANDRUS. With you I was a party to that Tongass resolution, and we did it to pass a piece of legislation to get a compromise. And that was necessary. I do not think that this will relate the same way because this 3½ million board feet of annual harvest out of that special management area in the panhandle area is for the first planning period. But the Forest Service will plan for it. It doesn't mandate that it has to be sold and harvested, but it is available for them to meet the 40.5 million board feet of annual sales that is necessary.

And, Mr. Chairman, I don't have a pointer, but you see that gold Y that comes down. That's Long Canyon. That is wilderness. If you take that out and make it wilderness, Mr. Chairman, and they cannot harvest timber in there, then we have a responsibility that we keep both of those sawmills open. And it's going to take 3½ million board feet from somewhere. We have said that the first planning period that the timber would come out of there, and then the Forest Service assembled here today will have the responsibility of seeing that they manage the forest in a way that it would come out.

But if you don't want to give them 3½ million on a special management area, then you can't have Long Canyon as wilderness. It is that simple.

Senator BUMPERS. Jim, I'll depend on you. I'm Chairman of this subcommittee, but you would know this better than I would. Have any other wilderness bills mandated harvest levels?

Senator MCCLURE. Not to my knowledge, with the exception of the Tongass.

Senator BUMPERS. With the exception of the Tongass, of course.

Senator MCCLURE. Let me underscore what the governor has said. It was a simple tradeoff. We were trying to find enough timber—and we think we can—by mandating this harvest level without causing them to violate any of the existing laws. I know that has been what has been said by a number of people that, well, you're repealing the Clean Air Act, the Clean Water Act or the Endangered Species Act. That simply is not true.

Senator BUMPERS. Let me ask you a more specific question. Does the mandating, of an additional 3½ million board feet a year in Bonners Ferry not alter the National Forest Management Act which gives the Forest Service the authority to harvest.

Chief Robertson can address this in a moment. As I recall, we've got a lot of plans apparently on appeal here in this area.

Senator MCCLURE. Yes.

Senator BUMPERS. And that's another question as to whether or not we cut those appeals off by mandating harvest levels on a forest whose plan is currently under appeal.

Senator MCCLURE. All of them.

Senator BUMPERS. All of the plans in Idaho have been appealed. If we allow, say, a 10 year-average harvest—you may harvest nothing 1 year, the next year you harvest something else. Now, when you're trying to keep mills alive, you have to have a constant flow on annual basis. But if you're planning good timberland management, you may harvest some one year or none the next 2 or 3 years, and then more the following year and so on.

Senator MCCLURE. Well, that will depend a great deal upon the individual resources in a particular area, but it's also important to note that the Forest Service's management plans generally plan for a more even flow of timber to the mills than is actually accomplished in practice because the markets fluctuate. And as the markets fluctuate, the mill demand goes up and down much more radically than does the Forest Service capacity to provide the timber.

So, I don't think that the average over the planning period—and as you know, the Forest Management Planning Act calls for plans to be in place for not more than 15 years nor less than 10. And so, that's the planning horizon under that act. This 3½ million is in addition to what they were planning to do in the absence of this legislation.

And yes, that is something of a restriction on the Forest Service's discretion, but it's far less of a restriction than is wilderness designation.

Senator BUMPERS. Now, here is the precise language relating to mandated harvest levels. "Notwithstanding any other provision of law, the Secretary shall manage the area designated: A, on the above-described map so as to provide 3,500,000 board feet additional allowable sales quantity of timber annually above the allowable sales quantity level for that area in the forest plan for the Idaho panhandle," and so on. The same language is used so that you achieve 40 million board feet on the Bonners Ferry district of the Idaho Panhandle National Forest.

Number one, it alters the forest plans on nonwilderness areas. Number two, puts tremendous pressure on the Forest Service to manage this land in a way that would be different than the way they would otherwise manage it.

Senator MCCLURE. Well, let's take the entire Panhandle Forest, and that's all of the northern part of the State. The biological yield under the old formula in use before the development of the new plans would allow a timber harvest on a sustained yield basis of over 400 million board feet per year. They plan in that area for less than 200 million board feet per year. So, in the entire Panhandle Forest, their plans call for allocation of resources to nontimber uses of better than half of all the available timber.

What we are saying is that in that particular area, because of the impact of the designation of Long Canyon, upon a particular cutting area for the two mills that are located in that area, that they should increase the cut that they were planning out of that margin by 3½ million board feet per year. And I am confident—and we'll ask the Chief when he is here, if you'd like—that they can do that without impinging upon the management objectives. That is such a small change—such a small change—in overall resource allocation, that it won't even affect their computer models.

Senator BUMPERS. Let me see if I understand. What you're saying is the Panhandle Forest is capable of producing 400 million board feet a year.

Senator MCCLURE. Yes.

Senator BUMPERS. That they are presently under their own plan producing 200 million feet.

Senator MCCLURE. Less than 200.

Senator BUMPERS. Less than 200 million. Well, now, are we talking about 3½ or 40 million additional?

Senator MCCLURE. No, we're talking about 3½ million on one ranger district, not the entire forest. And the reason that we put that 40 in there is so that they wouldn't just move out of the district somewhere else within the forest to get the additional 3½ million that would not be available to the local mills. We just about had to confine it to that district—well, actually to that area shown on the map in order to make it tributary to those mills.

Senator MCCLURE. It's 3½ million additional cut.

Senator BUMPERS. So, 3½ million and not less than 40 million in the Bonners Ferry district.

Senator MCCLURE. Yes. They were planning to cut 37 million, and we say cut 40.

Senator BUMPERS. So, I want to be sure I understand this now. We're talking about 3½ million board feet additional on the Bonners Ferry district. Is that correct?

Senator McCLURE. That's correct.

Senator BUMPERS. So, what you're saying is the 3½ million takes them from roughly 37 to 40 million feet.

Senator McCLURE. That's correct.

Senator BUMPERS. Are you comparing that to the 200 million feet you mentioned a moment ago?

Senator McCLURE. No; that's to the 37 million because that's the area that is affected. They would go from 37 million to 40 million.

Senator BUMPERS. So, you're saying that 3½ feet is literally nothing compared to what they could be harvesting there.

Senator McCLURE. That's correct, and particularly when you consider that Long Canyon, which many people desire to place in wilderness designation, and we have accommodated, has a potential yield of 3 to 5½ million board feet. And we're taking that away from the potential.

Senator BUMPERS. Would there be, under this bill, below cost timber sales in the French Creek special management area?

Senator McCLURE. There will be those who will allege that, but that again is a question which I think is not correct. And they will also allege that in the French Creek area that you will have widespread damage to fish and game resources.

I think it is instructive to note that in that area, not in the precise area, but in that general area, there was a very, very destructive fire, and there was a salvage sale that was conducted in the Payette Forest to salvage the timber in the fire area. And I think all observers will admit that at the end of that salvage sale, there was no measurable degradation of the environment as a result of that sale.

Senator BUMPERS. Do you have any ideas how many sawmills you have in Idaho besides Boise-Cascade?

Senator McCLURE. There's a lot of very small ones.

Governor ANDRUS. There's a lot of small operations. It is less than that now. It's someplace in the 150 to 160.

Senator BUMPERS. Who are some of the major operators there beside Boise-Cascade?

Governor ANDRUS. Potlatch, Boise-Cascade, Bennett, Louisiana Pacific, Idaho Timber Products.

Senator McCLURE. Diamond International.

Governor ANDRUS. Diamond International is no longer.

Senator McCLURE. But they were. They've been spun off.

Governor ANDRUS. And then a lot of small, independent operations. But there are basically two mills in the area that you and I are talking about in Bonners Ferry.

Senator BUMPERS. How many employees in those two mills.

Senator McCLURE. Carl, can you help me? How many employees in those two mills in Boundary County?

Governor ANDRUS. Mr. Chairman, may I submit that for the record?

Senator BUMPERS. Sure.

Governor ANDRUS. That's easy and very accurate to determine.

But, again, before we made this decision, I admit I wanted Long Canyon in wilderness, but I was not of a mind to see one of those mills close down. And it was purely a tradeoff to make it available.

I went to the Idaho Fish and Game Department. I said will an additional harvest of 3½ million board feet a year over those 90,000 acres be detrimental to the wildlife. They came back with their report to me that if the Forest Service spreads that out and makes a determination as to where the sales will take place, with that management scheme in mind; no, it would not be detrimental. So, I think we have done our homework.

But may I insert one paragraph in the record because it was said here earlier that all of those sales in that area had been appealed. The Chief of the Forest Service, Mr. Robertson, had stayed some sales in that area. But I want the public to know that the environmental community in Idaho in the northern panhandle part of the state, the Boundary Backpackers Association and others are attempting to lift those stays in those areas. They understand that they got basically what they wanted in the way of wilderness, and they understand the necessity of continuing the economic viability of that area. And I don't want the Idaho environmentalists to be tarred with maybe a national statement that is being made. They are working very, very hard with the Forest Service. And of the seven stays, I think four have been lifted and two more are close to it.

Senator McClure. Congressman Craig may have some information. I note he is here and should have noted it earlier. He asked to be present this morning, and I certainly welcome him.

Senator Bumpers. I apologize for not mentioning that, Senator McClure. We are honored to have Congressman Craig with us this morning.

Senator McClure. But he may have the employment figures on those mills.

Mr. Craig. It's 350 to 400 employees, mill and forest operations.

Senator Bumpers. Gentlemen, we have a vote on. Apparently, staff tells me, you had 450 witnesses in the field hearing and 4 favored the bill. I must say there's a lot of courage sitting at that table. I admire you both for your tenacity if maybe not for your discretion. [Laughter.]

I have to attend an HHS markup, as Senator McClure knows. I want to thank both of you for being here this morning. Senator McClure will chair the hearing after this as soon as we return from the vote. And we will now recess for a few minutes until we can accomplish that.

Governor Andrus. Mr. Chairman, again, let me express my appreciation to you. Yes, we do go back to the freshman class of 1970 and a lot of years since then. And I appreciate your willingness, even though I know there have been pressures at the national level——

Senator Bumpers. We have several Senators that were in that governor's class of 1970. Just a few of us born to rule. Right?

Governor Andrus. That's correct. [Laughter.]

Senator Bumpers. Thank you.

[Recess.]

Mr. McClure [presiding]. The committee will come to order.

We will next hear from the Chief of the Forest Service, Mr. Dale Robertson. If you would come forward please. I understand you have regional foresters with you, if you would like to call them forward too to answer the tough ones. Mr. Robertson?

STATEMENT OF F. DALE ROBERTSON, CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY JOHN MUMMA, REGIONAL FORESTER FOR THE NORTHERN REGION; AND STAN TIXIER, REGIONAL FORESTER FOR THE INTERMOUNTAIN REGION

Mr. ROBERTSON. Thank you, Mr. Chairman. I do have the two regional foresters who have responsibility for Idaho on each of my sides who are familiar with the specific areas and will help answer questions.

Mr. Chairman, I have a rather lengthy statement, and if I could put that in the record, I will just summarize the key points.

Senator McCLURE. It will appear in the record in full.

Mr. ROBERTSON. I would like to say to you, Mr. Chairman and Governor Andrus, we very much appreciate and commend you and thank you for the effort the two of you have gone to, to try to resolve this really tough roadless area issue in Idaho and try to reach some kind of a reasonable solution. I know you've put a lot of work into this personally, and we very much appreciate that.

We've worked on this issue too a lot in Idaho. We've completed all of our forest plans in Idaho except for the Boise National Forest, and that's out in draft now for public review and comment. So, our views on this bill will reflect the results of our forest plans.

S. 2055 would designate about 1.4 million acres of wilderness, and our forest plans recommend 1.3 million acres. So, we're only talking about a difference of about 100,000 acres. And except for three areas, we support all of the proposed wilderness areas in S. 2055.

Now, we have some differences in boundaries on some of those and differences with our forest plan, and we'd like to work with the committee to look at these and see if we can make some adjustments to address some of these specific concerns.

For the three areas which we do not support, the first is the Trinities. And as I understand it, you, Mr. Chairman, and Governor Andrus also are dropping that are from the bill.

Senator McCLURE. We have suggested that that be established as a special management area but be dropped from wilderness designation. And we would encompass in addition then some portion of the Ten Mile West, which I think the forest plan identifies as potential wilderness.

Mr. ROBERTSON. Secondly is Snowbank. It is not recommended for wilderness in the Boise draft plan, but when you look at how we propose to manage that under the forest plan, there are not any significant changes. So, we don't have any serious objections to Snowbank.

The third area is the Palisades area. Now, this is a rather complex area. It crosses the State boundary into Wyoming. The Wyoming portion of the roadless area was designated as a wilderness study area as part of the Wyoming Wilderness Act. And we would rather defer the decision on the Palisades until we do the wilderness study for the balance of the area in Wyoming.

Also, the Palisades has a high potential for oil and gas with about 46,000 acres already under oil and gas leases, most of which are nonsurface occupancy stipulation. But we would like to know a little more about the oil and gas and mineral potential in that area before we would support wilderness for the Palisades.

Now, as was discussed earlier this morning, S. 2055 would authorize certain uses that are not normally permitted in wilderness. And as a general principle, we would rather see the wilderness boundaries adjusted where practical to exclude areas where these uses occur. We're talking about roads, helicopter skiing and motorized access for maintenance of watershed facilities by local municipalities.

Our most serious concern with S. 2055 relates to the special management areas. We are especially concerned about the Congress legislating a specific allowable timber sale quantity which would be done for the Bonners Ferry ranger district in the Idaho Panhandle National Forest. With few exceptions, the remaining management directions for the other special management areas in S. 2055 are essentially the same as our forest plans.

However, we believe the management direction for these areas should remain in the forest plan rather than be put into law. The forest planning process provides an opportunity to reexamine the future management of these areas every 10 to 15 years in light of new experience, new information, public expectations and demands. The National Forest Management Act also requires updating of forest plans through monitoring, evaluation, amendments and revisions. The public is fully involved in any decisions to change the management direction. So, we believe that we should have the opportunity to make adjustments in management through the forest planning process to reflect changing conditions.

We recommend that these specific management requirements be deleted from the bill. But if that can't be done, an alternative would be to sunset these management requirements so that they would be effective only for the next 10 to 15 years, as you have proposed to do in the Bonners Ferry and Idaho Panhandle Forest ASQ level.

Mr. Chairman, my statement goes into some detail about the need to update the release and sufficiency language to reflect the results of forest plans rather than RARE II. This is really a technical change without any intent to change the meaning of the standard release language. And so, we would request that the committee make that change.

That concludes my statement, and we would be happy to answer any of your questions.

[The prepared statement of Mr. Robertson follows:]

STATEMENT OF
F. DALE ROBERTSON, CHIEF
FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning S. 2055, "Idaho Forest Management Act of 1988"

June 21, 1988

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for this opportunity to present our views on S. 2055, the "Idaho Forest Management Act of 1988."

The regional administrative boundary between our Northern Region (R-1) and our Intermountain Region (R-4) follows the Salmon River across central Idaho. S. 2055 would make designations in both R-1 and R-4. I am pleased to be accompanied today by John Mumma, Regional Forester for the Northern Region and Stan Tixier, Regional Forester for the Intermountain Region.

S. 2055 would designate slightly more than 1.4 million acres of National Forest wilderness in Idaho. The bill would also designate about 611,000 acres of other special management areas within the National Forests in Idaho.

Of the 20.4 million acres of National Forest System land in the State of Idaho, nearly 19 percent, or 3.8 million acres are now wilderness. Idaho contains more wilderness than any other State, except Alaska, both in terms of total acreage and as a percent of the State's land area (7.1 percent). In fact, Idaho wilderness comprises 19 percent of all wilderness acreage in the United States outside Alaska. Other designations, including the Hells Canyon and Sawtooth National Recreation Area and 508 miles of National Wild and Scenic Rivers on six different rivers, indicate the extent to which these aspects of Idaho's natural resources have already been recognized and established in special management statutes.

As you know, Mr. Chairman, we have been working for several years to complete Land and Resource Management Plans for each National Forest. Final plans have been completed for all but one of the National Forests in Idaho.

The draft plan for the Boise National Forest is now available for public review and comment. We expect to complete the Boise plan by June 1989.

In developing the Plans, we received widely diverse and often conflicting views on how the National Forests in Idaho should be managed. In our planning process, we have tried to address these diverse interests, and we believe the plans reflect a careful consideration of both wilderness and nonwilderness uses. The Forest plans are the basis for our views on the wilderness and special area designations in S. 2055.

We support appropriate additions to the wilderness system in Idaho for two major reasons. First, there are several additional National Forest areas in Idaho that are suitable for wilderness, and they should be added to the National Wilderness Preservation System. Second, we believe it is important that the uncertainty over future management of roadless areas within of the National Forests in Idaho should be resolved as soon as reasonably possible.

This uncertainty is adversely affecting our ability to provide a balance of resources and uses. We want to contribute to a stable and diverse economy for the Nation over the long run. We also want to provide opportunities for diverse recreational experiences, and we are committed to providing an enduring resource of high-quality wilderness within the National Forest System.

Over the next decade, about 28 percent of the timber volume scheduled for sale in Idaho's National Forests is proposed to come from areas currently inventoried as roadless. For the last decade while forest planning was in progress, our timber sales program in Idaho has been concentrated in roaded areas, because appeals have blocked proposed sales in some roadless areas. Many of these appeals involve the question of whether those areas should be managed for uses other than wilderness.

While we do not agree with all of the details in S. 2055, we believe the bill with some modifications--along with the Forest plans--will help resolve the uncertainty and controversy surrounding National Forest management in Idaho relative to wilderness designation.

From a state-wide perspective, S. 2055 would designate about 1.4 million acres of wilderness. Our Forest plans recommend wilderness designation for about 1.3 million acres. In many cases, the designations in S. 2055 are similar to those recommended in the Forest plans.

Generally, we could support the boundaries proposed in S. 2055 for the following wildernesses with minor modifications to minimize conflicts:

Borah Peak, Italian Peaks, Lionhead, Winegar Hole, Mt. Naomi, Salmo-Priest, Scotchman Peaks, and Mallard-Larkins.

We are concerned about the boundaries or other features of the following wildernesses proposed in S. 2055: Secesh-Payette Crest, the Hanson Lakes portion of the Sawtooth Additions, White Cloud, Pioneer Mountains, Kelly/Cayuse, and Selkirk Crest. The details of our recommendations will be provided to the Subcommittee, and we would like to continue to work with you as you finalize the wilderness boundaries.

Boise National Forest

S. 2055 proposes designation of the following four areas on the Boise National Forest as wilderness: Snowbank area (9,300 acres), Trinities area (47,600 acres), Red Mountain (66,200 acres), and the Tenmile/Black Warrior portion of the Sawtooth Additions (58,600 acres). As I mentioned earlier, the draft plan for the Boise is now undergoing public review and comment.

We understand that Senator McClure and Governor Andrus now recommend that the Trinities area not be designated as wilderness. They have also indicated their support to designate a portion of the Tenmile/Black Warrior area known as Ten Mile West as wilderness. Both of these changes would be in agreement with the Draft Forest Plan for the Boise.

The Red Mountain area is recommended as wilderness, but the Snowbank area is not recommended as wilderness in the Draft Forest Plan.

If the Congress designates these Boise National Forest areas as wilderness, we would like to work with you as you finalize the boundaries.

Targhee National Forest

S. 2055 would designate 155,200 acres as the Palisades Wilderness Area. This area is comprised of three individual units--Bear Creek (85,000 acres) Poker Peak (18,200 acres), and Palisades (52,000 acres).

The Bear Creek and Poker Peak units are being managed as unroaded and undeveloped in accordance with current management direction contained in the Targhee Forest Plan.

The Palisades unit includes approximately 52,500 acres in Wyoming designated as a wilderness study area by the Wyoming Wilderness Act of 1984. Unless Congress determines otherwise, this portion of the Palisades area must be managed so as to maintain the existing wilderness character and potential for inclusion in the National Wilderness Preservation System, subject to valid existing rights and as further provided in Section 301 of the Wyoming Wilderness Act. (Public Law 98-550)

The Targhee Forest Plan deferred consideration of the Wyoming portion of the Palisades unit until the entire roadless area (about 164,000 acres) could be evaluated in connection with the regularly scheduled revision of the Plan. There are important boundary differences between the Palisades wilderness proposed in S. 2055 and the Palisades roadless area in the Targhee Plan. Furthermore, the overall Palisades area has significant mineral resources that we would like to more carefully consider before recommending wilderness designations in that area. Therefore, we recommend that wilderness designation of the Palisades unit be deferred until the Targhee Forest Plan is revised and the complete area is evaluated.

The Congress should recognize the complexities of the existing mineral lease situation on the Palisades unit. The impacts must be minimized for us to support designation.

S. 2055 would authorize certain uses that are normally not permitted in wilderness. As a general principle, we would rather see the wilderness boundaries adjusted, where practical, to exclude areas where these uses occur. Our concerns relate to roads, helicopter skiing, and motorized access.

Roads

The bill defines "roads", and we would be required, after enactment, to exclude such roads from the wildernesses designated by the act. We would prefer that areas proposed for wilderness designation containing roads be excluded before the bill is enacted.

Helicopter Skiing

S. 2055 would permit helicopter landings for recreational skiing in the Palisades Wilderness. If the Palisades area os designated as wilderness, we recommend that the boundary be adjusted to exclude the area now used for helicopter access.

Motorized Access

Motorized access by local municipalities for the maintenance of watershed facilities within wilderness would be permitted. We recommend that areas requiring such maintenance be excluded from designated wildernesses.

Special Management Requirements

Our most serious concerns with S. 2055 relate to the special management areas that would be designated and to the management requirements that would be imposed on those areas. We are particularly concerned about the Congress legislating a specific annual allowable timber sale quantity such as S. 2055 would do for the Bonner's Ferry Ranger District and the Idaho Panhandle National Forests.

We are concerned about the requirement in Sec. 103(a)(6)(B)(ii) that a specific model be used to predict sedimentation. Sediment models are useful tools in helping to make better informed management decisions, but many other factors should also be considered.

We believe that management direction for special management areas should be provided in Forest plans rather than in statute. The Forest plans provide the opportunity to re-examine the future management of an area in light of experience, new information, and public expectations and demands. The National Forest Management Act requires updating of the Forest plans through monitoring, evaluation, amendment and revision. The public is fully involved in any decision to change management direction.

Even though the detailed management requirements in S. 2055 for these special management areas are similar to the Forest plans, we strongly believe that we must have the opportunity to make adjustments in management through the Forest planning process to reflect changing conditions. We strongly recommend that these specific management requirements be deleted from the bill. If that is not done, an alternative would be to sunset these management requirements -- so that they would be effective only for the next 10 to 15 years. That way, we could reconsider these requirements when the plans are revised. We have serious concerns about S. 2055 unless these provisions are deleted or sunsetted.

Grazing

With respect to grazing within wildernesses, S. 2055 would permit motorized vehicle access, water developments, and predator control to continue if established prior to enactment. We recommend that this language be revised to be consistent with the Wilderness Act and the "grazing guidelines" provided in 1979 by the House Interior and Insular Affairs Committee (House Report 96-617).

Water Rights

We believe that each act designating wilderness should contain a clear expression of the intent of Congress with regard to the creation of Federal water rights. Under S. 2055, it is clear that no new Federal water rights would be created as a result of the wilderness or special management area designations. Because the areas that would be designated by S. 2055 are within National Forest boundaries that are at the tops of watersheds and encompass the headwaters of streams within them, we would not need, nor do we intend to seek, additional water rights for protection and management of wilderness values in these areas.

Outfitter and Guide Activities

S. 2055 contains special provisions with respect to existing outfitter and guide camps and practices. As a result of an agreement with the Idaho Outfitter and Guides Association, there is a Forest Service task force looking into policy changes that may be needed with respect to outfitter and guide activities within Natonal Forest wildernesses. We ask that we be permitted to work out this issue without statutory direction.

"Release" and "Sufficiency" Language

As I mentioned earlier, we think it is essential that the Congress resolve the uncertainty over future management of roadless areas within the National Forests in Idaho. Thus, we urge the subcommittee to carefully consider the "release" and "sufficiency" language in section 201 of S. 2055.

"Release" and "sufficiency" are related, but separate, concepts. Release language provides a legislative declaration that lands not included by Congress in a wilderness, wilderness study area, or special management area shall be managed for multiple-use values in accordance with the Forest plans. Sufficiency language provides a legislative declaration that the Forest Service review of wilderness issues is legally sufficient and not subject to judicial review.

The original "RARE II language"--like that in S. 2055--was intended to remove the wilderness question from judicial review and to promote some certainty in resource management. However, as Forest plans are completed, the RARE II language becomes moot, because the Forest plan recommendations supercede RARE II. This is particulary significant in Idaho, since all but one of the forest plans have been completed, and we expect to complete the last one early next year.

Retaining the RARE II language in National Forest wilderness legislation for Idaho might cause further litigation to determine the relationship of the RARE II language to the Forest plans, thus adding to the uncertainty over management of lands not designated as wilderness or another special category. Updating the RARE II language would help promote more certainty, but would not guarantee it. The updated language would more clearly spell out congressional intent, and thus be helpful in resolving both administrative appeals and litigation that might arise after enactment of S. 2055 or similar legislation.

Therefore, Mr. Chairman, we recommend that the release and sufficiency language in S. 2055 be updated to reflect that the Forest Land and Resource Management Plans--rather than the RARE II recommendations--provide the basis for congressional release and the congressional determination of sufficiency. We would like to work with the subcommittee in drafting suitable language to replace that now in section 201.

In summary, Mr. Chairman, we support the Committee's effort to resolve the wilderness/nonwilderness issue that is seriously affecting National Forest management, and the people of the Nation. We look forward to continuing to work with the Committee to deal with our concerns regarding this legislation.

We will be happy to respond to your questions or to provide additional information.

Senator McClure. Well, thank you very much, Chief. I do appreciate your statement, and I understand the concerns that you would have.

I would say on the special management areas, the option that you have given us—let me state it in a different way perhaps. You have referred to special management areas as a matter of trouble to you. I suspect you would rather have that proscriptive language than you would wilderness designation, wouldn't you?

Mr. Robertson. These special management areas—the proscriptions you put in this bill are essentially the same as the forest plan. And we would rather manage these under the forest plan rather than the wilderness.

Senator McClure. And I guess that's what the governor and I were looking at was the alternative. If they're not suitable for wilderness or if we believe the resource balances are necessary, make it impossible for designation as wilderness areas, then how do we do otherwise. And you're suggesting we do nothing, which neither the governor nor I found very palatable. I suspect, as a matter of fact, if we had done nothing, we wouldn't have altered the balance of the testimony in favor or against, but we would have elevated the level of opposition.

Mr. Robertson. Well, I understand the position you and the Governor are in on this, and we have to look at it from our professional planning approach.

Senator McClure. Yes, sir. I understand that. And you have a fine team of professionals, and I don't want to detract 1 minute from the skill and dedication that they apply to their job. A very difficult task it is because you deal on a day-to-day basis with very, very emotional and sensitive issues, and you do an exemplary job. So, I don't want to indicate that our unwillingness to leave it open to the regular management process is any condemnation of the Forest Service, but it's a recognitions of public pressures as we view them.

You have suggested that there should be some change in what has become standard release language because we are now finished with the RARE II process. Do you have a suggestion of language now or is it just something that we need to together develop?

Mr. Robertson. No. We have some draft language that we would like for you to consider.

Senator McClure. Would you submit that to the committee please?

Mr. Robertson. Yes, I would be happy to do that.

Senator McClure. Thank you. We'll review that very carefully because I think the point you make is very good, but that standard release language has served us very well up until now. And I think there will be an awful lot of people very interested in every paragraph, every T and every dot and every comma, in whatever other language is developed.

Mr. Robertson. As I mentioned in my testimony, we view it as just a technical change to substitute the results of forest plan for RARE II because the recommendations on those roadless areas in RARE II were replaced by recommendations in the forest plan for those roadless areas.

Senator McClure. Chief, how many of the forest plans in Idaho have now become final with no pending appeal?

Mr. Robertson. Two.

Senator McClure. And the Boise is still in draft, and the others are under appeal.

Mr. Robertson. Yes.

Senator McClure. Governor, did you have any questions?

Governor Andrus. First of all, Mr. Chairman, I appreciate your letting me have the opportunity to sit here with the members. And I would hope it would not be presumptuous of me to ask that the staff of this committee would send me a copy of the proposal of Mr. Robertson so that I could look at it.

You mentioned the Palisades. There are three sections to the Palisades. You have the Palisades. You have Poker Peak. I don't think you need to look at your map, Dale. Then you have Bear Creek. On the Palisades side, which is north of the reservoir, I'm aware of the hydrocarbon potential and anschutz drilling in Swan Valley immediately adjacent to it.

But I think that portion north of the reservoir is the only one that runs into question. And I would hope that you would not in your testimony oppose Poker Peak and the Bear Creek sections. We have a radio transmitter station that we have to locate there someplace on Bear Creek, but other than that, I don't believe you have any opposition to those south of the reservoir. Do you, sir?

Mr. Robertson. Well, again, it did not come out as proposed wilderness in our forest plan. But, if you look at the management direction for those areas in our forest plan, it is basically proposed to manage them in an undeveloped situation. And there are some phosphate leases in a small part of one of them.

Governor Andrus. I guess I keep coming back to what Senator Bumpers as chairman and others have talked about in the panhandle area. We just fall into that category. We can't have it both ways. If we want Long Canyon to be wilderness, we have to provide some opportunity for that additional 3½ million. I would have to take the position if we can't guarantee that 3½ million—availability—now, there's nobody who puts a gun to a logger's head and says you must go cut it, but it has to be available if they need it.

And my Idaho Fish and Game Department says in their opinion, it would not adversely impact the grizzly bear habitat in that area. And I know that there are organizations here who will testify differently in that regard.

Your comment was that it be for a duration of time. And I think the Senator and I are in agreement that it be for the first planning cycle only.

Senator McClure. On the Bonners Ferry district, yes. That's correct.

Governor Andrus. I have no further comment, Mr. Chairman. Thank you.

Senator McClure. I have just one question in that connection and that is I know that you have had occasion to scratch your head and wonder how you would handle the mandate for 3½ million board feet additional on the Bonners Ferry ranger district. Can you accommodate a cut of an additional 3½ million above the planned

37 million and meet all of the minimum management requirements?

Mr. **Robertson**. I'll ask Regional Forester John Mumma to respond to that.

Mr. **Mumma**. Thank you, Dale and Senator McClure, Governor Andrus.

As you are aware, Senator, the plan for that particular area and the Idaho Panhandle Forest, both call for a fairly substantial increase in the timber harvest in the next planning cycle, somewhat in the neighborhood of about 70 million board feet. And so, if we were looking at an additional harvest level of 3½ million board feet, then we'd be looking at some of that potential volume that would be increasing in size over this period of time.

Senator **McClure**. But, again, whether or not you could meet minimum management requirements that are established in your planning process with an additional 3½ million board feet from the Bonners Ferry ranger district.

Mr. **Mumma**. No, that was not our recommendation in the forest plan. We do have planned increases in there.

Senator **McClure**. I understand that.

Mr. **Mumma**. So, it's not a matter that the volume is not there. I think there was a feeling that the size of the trees in those sites was such that it probably would not be bid on.

Senator **McClure**. I understand and I appreciate your comment. I am confident from our own analysis of those plans that there would be no—you wouldn't even have to bend the MMR's. I know you don't have a computer model that runs all of those constraints with respect to a ranger district. You have it only for the forest as a whole.

Mr. **Mumma**. That's exactly right.

Senator **McClure**. But I am absolutely certain that if you put 3½ million board feet into that computer model, you wouldn't change any of your resource allocation constraints.

Mr. **Robertson**. Well, from a planning process, all of our alternatives in that Idaho Panhandle plan met the minimum management requirements, and I'm sure we had some alternatives above the one that was selected that still met the minimum management requirements. So, it gets into really looking at the effects on those additional requirements between minimum management requirements and what is in that preferred plan.

Senator **McClure**. And I think that's a good way to put it, Chief, that the preferred plan has some margin beyond minimum management requirements.

Mr. **Robertson**. Yes.

Senator **McClure**. That's another way of stating what you said, wasn't it?

Mr. **Robertson**. Yes.

Senator **McClure**. And within that margin, you could probably meet the 3½ million board feet additional.

Congressman Craig, do you have any questions you'd like to address to the Chief?

Mr. **Craig**. Thank you very much, Senator McClure. I almost called you chairman. I can't do that right now, can I?

Senator **McClure**. No.

Mr. CRAIG. Dale, I'm pleased to see you comment on the Trinities. I was one of those who agreed that there is so much human activity in there, it ought not to have been included, and I'm pleased to see that the Governor and the Senator have recognized that in their amendments.

Also, your questioning of the Snowbank portion is a bit of an enigma to me as to why that small piece would be put in.

The Palisades. I am concerned about the current hydrocarbon exploration that is going on in that area, the kind of commitment that has already been made and the potential that possibly rests in that area. Under the current proposal, do you believe there could still be activity going on or that could go?

Mr. ROBERTSON. Yes. As I mentioned, this spills over into Wyoming, and it's the Wyoming Wilderness Act that made this a congressionally designated wilderness study area. But that Wyoming Wilderness Act did say that oil and gas exploration and development activities shall be administered under reasonable conditions to protect the environment according to laws and regulations generally applicable to non-wilderness lands. So, that's how we're managing the Wyoming portion of it, and I'm assuming we're managing the Idaho portion the same way.

Mr. CRAIG. And we were cautious in the Wyoming act of making sure that language is in there so that we could continue to explore commensurate with wilderness understanding the balance there.

Is it my understanding that now similar language is proposed for the Palisades? Is that your understanding?

Mr. ROBERTSON. No. In this bill, it's proposed for wilderness.

Mr. CRAIG. Are you now recommending then that similar language be tied to the Idaho bill that is currently with the Wyoming portion?

Mr. ROBERTSON. Well, our recommendation is that we continue to manage this in an undeveloped state so we don't foreclose the wilderness option, but still permit the exploration of oil and gas like we are doing over in the Wyoming portion of that. Now, that is as part of our plan. It's not part of the legislation.

Mr. CRAIG. Would you be willing to accept language that might propose the Wyoming language? The reason I say that, do you find in the Wyoming portion of that area acceptable practices going on that are not in any way damaging or deteriorating the wilderness quality of that area?

Mr. ROBERTSON. No, we would have no objections because we intend to manage it the same as we are the Wyoming portion.

Mr. CRAIG. Some have criticized this bill in specific areas, some in a broader sense, in the Clearwater where we have a plan and are now working with that toward acceptance of it, and it is one that is under considerable question.

Concern about ASQ's current versus proposed and what you folks have suggested in the first 5 years—is the 140 proposed in the first 5 years in any way reflective of this proposed legislation versus the 173 that was in the plan? And I'm talking ASQ.

Mr. ROBERTSON. I'll defer that to Regional Forester Mumma.

Mr. MUMMA. Congressman Craig, would you repeat that question about the 143 and the 173?

Mr. Craig. It is my understanding in the first five years you have proposed about a 140 ASQ on the Clearwater, and we struggled to get upwards of around a 173 figure commensurate with community stability, current mill capacity, and we thought—and I think the ranger there or supervisor agreed that was relatively consistent with the environmental qualities and standards that they wished to achieve. Where is our problem?

Mr. Mumma. Well, 173 million board feet is the amount identified in the Clearwater plan, and that's for the annual ASQ. And that's dependent upon some access into the roadless areas. There are about 100 million board feet of that that comes out of areas that are already identified as roadless.

Now, there are some smaller volume figures associated with portions of this bill that are listed in a couple of the special management areas there. And most of the volume that we've got projected in there we'll be able to accommodate. Now, some of that is a non-interchangeable dead white pine component of about 10 million that was added in there from the 143.

Mr. Craig. I think some of our problem is the budget. We would hope that your budget would be consistent with your plan, and we'll be looking forward to working with you on that, Dale, to make sure that that's accomplished.

Jim, thank you very much for the opportunity.

I would only say in observing documents as it relates to philosophy, and it relates to the Salmon River and the very important fishery that that is—and that is spoken to in this particular legislation as both the Governor and the Senator have tried to accomplish something that may be accomplishable or may not be. But we in Idaho recognize the value of that fishery. And I thought it extremely interesting in the final environmental impact statement for the Payette National Forest that we have seen what I have to call a major shift in philosophy with the Forest Service as it relates to assessing how one might manage or arrive at levels and figures to make management decision. We have over the years tried to build, you have tried to build, computer modeling that determined what rivers could or could not accept as it related to siltation and all kinds of activities.

In the final environmental impact statement, the Payette National Forest for the first time to my knowledge rejects this as a concept or even a valid idea. And I wonder if this is precedent setting as it relates to how the Forest Service will look at its fisheries and how it might determine quality of the waters involved. It goes to what is now called a holistic concept or at least discusses that as a better concept. And Mr. Chairman—Jim, I have the habit of wanting to call you chairman on this committee. I like the ring of it a great deal better.

For the first time, Dale—and I would commend this to your reading specific to fisheries, specific to the general principles of fisheries analysis, and suggest to you that this is no place to put philosophy. Most importantly, it is no place to put poetry. There is a poetry statement used here to demonstrate the holistic concept of management versus the computer modeling that has been the standard. I thought it unique. And if we're going off into a new venture, I would as the Senator and the Governor to see if they could not incorporate the holistic concept into their wilderness bill. It might be an exciting approach.

Senator McClure. Do you want to poetry too?

Mr. Craig. Sure. Why not? At least into the unknown.

Dale, I'm being critical. I think this is an amazing transition or change that I do not find consistent with the approach the Forest Service has used over the years in its attempt to examine one that we are now all basing our figures on, certainly one I believe the Governor and the Senator attempted to write their special use language on critical to that area that I think is now being denounced in the final EIS. And I find that amazing.

Mr. Robertson. I'll take a look at that, Congressman Craig.

Mr. Craig. Thank you. I'd appreciate that.

Mr. Robertson. I haven't seen the poetry either.

Governor Andrus. Mr. Chairman, if I might, because I know, John, that you are a reasonably new supervisor in region one, and you have a new supervisor of the Clearwater. Jim Bates, who was very knowledgeable in this subject matter, finds himself in Portland now. And I would hope that the dialogue that I just listened to would not be giving you direction. I would remind you that the 10 year average on the Clearwater has been 135 million board feet. Your first plan was 150 million board feet which I think was easily sustainable. Then some mysterious addition bringing it to 173 million board feet was deemed necessary by some. I would hope that you would not have cause to push that cut up on the Clearwater above what is a reasonable or responsible area such as attempting to get into some of those pristine water areas and Vanderbuilt Creek or Kelly or Cayuse or Monroe—of those tributaries.

So, I would be reluctant to urge you or have anybody urge you to push that cut on the Clearwater much above the 150 unless you can show me where that magic canyon is where you found 23 million additional board feet. But I will listen, but I would not be a party to urging you to go above that.

Senator McClure. The governor necessitates the exposure of one of the differences between us——

Governor Andrus. There are differences, yes, sir.

Senator McClure [continuing]. Because I do urge you to go above 150, and I have. And I think you can safely go above 173. But that has been the figure that has been established. Certainly I would agree that we should not ask you to do anything that is environmentally damaging. And I think the Governor is saying the same thing.

Governor Andrus. I endorse that.

Senator McClure. The question is what is that judgment and what figure does it derive.

Mr. Robertson. I might just add, Mr. Chairman, that regardless of what those numbers are, we get down finally to doing an environmental analysis on every timber sale. And if that doesn't come out meeting the environmental standards, we'll be the first one to stand up and say it doesn't meet the standards. And that may affect the 170 or the 150, but we do look at it on a case-by-case basis. And I don't know any other way to do it than that.

Senator McClure. Thank you very much, gentlemen. I appreciate your appearance and testimony.

Mr. ROBERTSON. I would just like to say, Mr. Chairman and Governor Andrus and Congressman Craig, it is really important, as you know, that we resolve this roadless area issue in Idaho. And the Forest Service stands ready to help you in any way we can to get over this hurdle.

Senator MCCLURE. Chief, thank you very much. Your testimony has been helpful to us. I don't suppose that your appearance and your testimony and your willingness somehow immediately brings people together towards compromise.

[Subsequent to the hearing Mr. Robertson submitted the following:]

United States Department of Agriculture | **Forest Service** | **Washington Office** | **12th & Independence SW**
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Reply to: 1510

Date: AUG 22 1988

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
  National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

As you requested, here are our responses to your questions concerning the June 21 hearing on S. 2055.

Could you describe the major differences between the wilderness proposed in S. 2055 and the wilderness recommended by the forest plans in Idaho?

An acreage comparison is presented in Enclosure 1. Changes recommended by Senator McClure and Governor Andrus since the bill was introduced are also shown.

Other differences between S. 2055 and the Forest Plans are addressed in Department of Agriculture testimony before the Subcommittee on Public Lands, National Parks and Forests on June 21, 1988. A copy of that statement is enclosed.

Without the benefit of Idaho wilderness legislation, has the Forest Service been successful at operating any timber sales on roadless areas in Idaho?

Yes, but it is becoming increasingly difficult. It is important that the uncertainty over future management of roadless areas be resolved as soon as possible. This uncertainty is adversely affecting our ability to provide a balance of resources and uses.

Numerous other states have passed wilderness bills which contain the identical release language that is included in S. 2055. In those states, has the Forest Service been successful at operating timber sales in roadless areas not designated for wilderness and released for multiple use?

Yes, although there have been some administrative appeals and lawsuits affecting specific "released" areas.

How many of those sales are tied up in appeal or litigation?

About how much volume has been harvested from these released, unroaded areas?

This information is presented in Enclosure 2.

Honorable Dale Bumpers

You testified before this Subcommittee in November of last year on legislation regarding the Tongass National Forest. You stated then that you did not particularly like legislatively mandated management prescriptions, but on the Tongass you would support the Congressionally mandated harvest level. In that light, does the Forest Service endorse the special management areas in this bill, particularly language which establishes specific allowable sale quantities?

No, we prefer that the Forest Plans establish both management prescriptions and the allowable sale quantity.

If not, could you explain why the mandated harvest levels are justified on the Tongass and not in Idaho?

The harvest levels on the Tongass National Forest were established in 1980 by the Alaska National Interest Lands Conservation Act. We view them as a legal commitment. The Department of Agriculture has testified that any change in the present statutory direction for the timber management program on the Tongass is premature and that changes can best be addressed after the data and studies undertaken pursuant to the revision of the Forest Plan are available. Legislative changes may be appropriate at that time.

Does this bill undermine the judicial decision (Sierra Club v. Block) which determined that federal reserved water rights are an inherent part of wilderness designation?

No. The district court's opinion in Sierra Club v. Block, 622 F. Supp. 842 (D. Colo. 1985) held that, in the absence of express statutory language to the contrary, the designation of an area as a part of the national wilderness preservation system impliedly reserves federal water rights to achieve the purposes of the designation. Section 302(a) of S. 2055 clearly states that the wilderness designations made by the bill would not create any new Federal water rights, thus providing the express disclaimer contemplated by the court's decision.

The definition of a "road" is exceptionally broad in this legislation; how will this impact the continuity of wilderness boundaries?

The inventory of "roads," as defined by S. 2055, is not yet complete. However, it appears that excluding all of the low standard roads from the wilderness would create a large number of "cherry stems" into the wilderness areas.

Will the Forest Service be required to maintain these "roads" and at what cost?

S. 2055 does not require that roads (as defined in Section 309) be maintained for use by four-wheel drive vehicles in the future. Normally, wheel-track or parallel-track roads that can only be used by four-wheel drive vehicles do not receive maintenance from appropriated funds. Repair of minor erosion problems, cutting out fallen trees, etc., is usually accomplished through volunteer efforts of the users. If unacceptable watershed damage occurs, roads are normally closed, and the sites are restored by conditions using watershed restoration funds. The cost of restoring soil erosion damage varies significantly but can be considerable. Construction of waterbars and seeding average about $1,000 per mile.

Does this bill force Congress into the position of managing National Forests?

We do not believe that S. 2055 forces Congress into managing any National Forests or portions thereof. Rather, Congress would provide very specific management direction in the bill, which we believe can best be provided through the Land and Resource Management Planning Process.

Does this bill disallow the Forest Service to manage their forest through site-specific planning as required by NFMA?

No, but it would provide specific management direction which we believe would be provided more suitably through the Land and Resource Management Planning process. The majority of Forest Service activities guided by Forest Plans in Idaho would not be affected by the enactment of S. 2055.

By including in this legislation certain National Forests plans which are currently under appeal, does this bill deny citizens the right to a full appeal process?

No, the public would continue to have full administrative appeal rights on all Forest Service decisions. However, any appeals specifically related to decisions made in legislation would be moot.

Does this bill run the risk of becoming controversial, reminiscent of the current problems with mandated harvest levels in the Tongass National Forest?

We have no assessment of the potential for controversy if S. 2055 were enacted. It would take enactment of the bill and subsequent management to surface areas of controversy. As always, its usually more difficult to change law than it would be National Forest Plans if circumstances change.

Would there be below-cost timber sales in the French Creek Special Management Area?

In terms of Present Net Value (PNV) only, timber sales in the French Creek Special Management Area would be "below-cost" under the current pricing assumptions used in developing the Payette National Forest Land and Resource Management Plan. However, more detailed, site-specific analyses of the values that might accrue to other resources, as a result of the long-term vegetation management benefits frequently produced by timber sale activities, could indicate significant contributions to a positive Net Public Benefit (NPB).

Is the BOISED Sediment Model an appropriate and dependable method by which to measure and assure Chinook salmon and Steelhead recovery in the South Fork of the Salmon River?

The BOISED Sediment Model is the Boise National Forest's version of the Region 1/Region 4 sediment yield model. The Companion FISHSED Model is a Region 1/Region 4 model used to evaluate sediment yield impacts to fisheries. Development of both models relied heavily on input from scientists at the Intermountain Forest and Range Experiment Station. These models can be considered the state of the art for evaluating impacts on salmonid fisheries habitat on Idaho Batholith watersheds. However, they should not be used to estimate absolute amounts of sediment yield or effects on fisheries. They are best used as a tool to evaluate the relative effects among alternative management strategies. These models, by themselves, cannot "assure chinook salmon and steelhead recovery in the South Fork Salmon River." They are just technical tools which, if properly used and interpreted, will provide planners and decisionmakers with a method to compare relative tradeoffs among management alternatives.

By allowing grazing in wilderness, will the ability of the Forest Service to adequately control potential livestock damage to public wildlands be restricted?

No. The Wilderness Act specifically provides for grazing in designated wilderness. Grazing in wilderness is managed under the Grazing Guidelines in the Forest Service Manual. These guidelines cover use levels, structures, and use of motorized equipment in support of grazing operations.

Do ORV corridors through wilderness endanger the ecosystems that wilderness designation seeks to protect?

It may on a case-by-case basis. The type of ORV use, the season of use, and the ecosystem affected must be considered.

How will the other recreational values of the wilderness areas be affected by the proximity and frequency of ORV corridors in this bill?

Many wilderness users seek opportunities for solitude and a primitive and unconfined type of recreation apart from the use or presence of motor vehicles. The ORV corridors currently in S. 2055 would retain existing motorized use.

Retention of the ORV corridors would detract from the primitive recreational value of the adjacent wilderness. The principal value lost would be opportunities for solitude. Motor vehicle use would create noise audible for varying distances depending on the topography, vegetation, and level of noise. The corridors would also reduce solitude by adding to the number of people using the wilderness. The sight of motor vehicles would likewise detract from primitive recreation values of the adjacent wilderness.

The following areas currently proposed for wilderness in S. 2055 have ORV use in or near the area:

Salmo-Priest - Snowmobile use area within Southern and Selkirk Crest portion.

Snowbank - Groomed snowmobile trail crosses north portion of area.

White Clouds - Constructed ORV trail in west portion of area. Area is divided to permit an ORV corridor.

Palisades - Helicopter skiing currently permitted in area bordering Wyoming.

What percentage of recreationists are ORV users?

In fiscal year 1987, there were 9.5 million recreation visitor-days of ORV use. This is approximately one-third of all National Forest System trail use and about 4 percent of all National Forest System recreation use.

Does this bill, in any way, inhibit the right of the public to appeal Forest Service management decisions?

No.

Please let us know if we can be of further assistance.

Sincerely,

F. Dale Robertson

F. DALE ROBERTSON
Chief

Enclosures

Enclosure 1

COMPARISON OF WILDERNESS PROPOSED IN FOREST PLANS AND IN S.2055

Wilderness Proposals - Idaho

Area Name	Forest Plan (Acres)	S.2055 (Acres)	McClure/Andrus Changes 6/88
1. Salmo-Priest	17,585	22,600	
2. Selkirk Crest	26,658	54,800	
3. Scotchman Peaks	11,232	14,950	
4. Mallard-Larkins	145,227	161,100	-9,000
5. Kelly-Cayuse (Hoodo)	113,000	142,250	
6. Selway-Bitterroot Add.	18,500	--	
Subtotal - Region 1	332,202	395,700	-9,000
7. Payette Crest (Needles)	100,204	86,500	
8. Secesh	108,103	176,600	
9. Snowbank	--	9,300	
10. Red Mtn.	93,470	66,200	
11. Trinities	--	43,800	-43,800 (see SMA's)
12. Hanson Lakes	33,796	47,600	
12. Tenmile/Black Warrior	73,633	53,600	+49,700
13. White Cloud/Boulder	224,350	100,200	+57,000
14. Pioneer Mtns.	109,911	115,600	-2,500
15. Borah Peak	119,000	54,500	
16. Italian Peaks	50,820	54,600	
17. Lionhead	14,400	16,300	-2,800
18. Winegar Hole	2,000	3,500	
19. Palisades	--	155,200	
20. Mt. Naomi	14,600	18,100	
21. Cache Crest	16,000	---	
Subtotal Region 4	960,287	1,001,600	+57,600
Total	1,292,489	1,397,300	+48,600

Special Management Areas - Proposed

Bonners Ferry RD 1/	89,800	
Clearwater 2/	50,660	+9,000
East Wietas 3/	26,100	
Cook Mountain 3/	77,100	
Subtotal Region 1	243,660	+9,000
French Creek	157,000	
S.Fk. Salmon	54,200	+30,200
Lime Creek	40,500	
Smoky Mtns.	115,600	
Trinities		+43,800
Subtotal - Region 4	367,300	+74,000
Total	610,960	+83,000

1/ See Salmo-Priest/Selkirk Crest Map
2/ See Mallard-Larkins Map
3/ See Kelly-Cayuse Map

Enclosure 2

TIMBER SALE INFORMATION FOR ROADLESS AREAS RELEASED BY WILDERNESS LEGISLATION

State	# of Sales Offered	# of Sales Appealed	Volume Sold MMBF	Volume Harvested MMBF
Arkansas	15	0	24	17
California	48	8	251	116
Colorado	97	4	300	146
Florida	13	0	17	14
Georgia	0	0	0	0
Idaho 1/	21	2	207	102
Indiana 2/	4	0	1	0
Kentucky	0	0	0	0
Maine	0	0	0	0
Michigan	0	0	0	0
Mississippi	0	0	0	0
Missouri	2	0	1	0
Montana	6	0	18	18
New Hamp. 3/	10	3	17	5
New Mexico	2	1	3	1
North Car.	33	0	58	46
Oregon 4/	188	37	1,218	543
Pennsylvania	0	0	0	0
Tennessee	13	1	27	27
Texas 5/	11	0	22	22
Utah	13	2	32	7
Vermont	0	0	0	0
Virginia	16	2	29	19
Washington	117	5	653	347
West Virginia	11	0	16	3
Wisconsin	26	0	39	15
Wyoming	29	3	92	28

1/ Areas released on the Clearwater NF have been included in a pending wildernes bill.

2/ There were two sales which were planned but not offered due to appeals and negotiations on the Hoosier NF LMP. These sales are not shown as appealed becaus the appeal was associated with the Forest Plan, not with specific project proposa

3/ Includes three sales that will be offered in FY 1988.

4/ Does not include 145.1 MMBF about to be offered from the Silver Fire.

5/ Does not include Southern Pine Beetle Salvage Sales.

Senator McClure. We will next hear from panel No. 1, Maggie Fox, southwest representative, Sierra Club; Lynn Greenwalt, vice president for resource conservation, National Wildlife Federation; Peter Berle, president of the National Audubon Society; Dennis Baird, Idaho Wildlands Defense Coalition; and Tom Robinson, Idaho regional director of The Wilderness Society.

You all have filed prepared statements, and I appreciate that. Those prepared statements will be placed in the record in full as if delivered. I don't mean to curtail the presentation that each of you wishes to make, but I will have to impose a limit upon your individual time in order to accommodate all the witnesses on all the panels. Most of you are familiar with those strictures. They are not a surprise to you I'm certain. With that, if you would limit your oral presentation to not more than 5 minutes, and hopefully less if you can, we will start with Maggie Fox.

STATEMENT OF MAGGIE FOX, SOUTHWEST REPRESENTATIVE, SIERRA CLUB

Ms. Fox. Thank you, Senator. My name is Maggie Fox and I work for the Sierra Club as the southwest representative. And I'm going to testify today on section 302 of your legislation.

Section 302 we think departs radically from settled law. Whenever there is a Federal program, water for the fulfillment of that program always has been and we think should continue to be a matter of Federal law. That does not affect the tradition of congressional deference to state law in the water area. Under the McCarran amendment which has governed State-Federal relations in water rights for nearly 40 years, the Congress waived its sovereign immunity or that of the United States from State law in order to allow the states to adjudicate water rights; that is, to exercise jurisdiction over Federal reserved water rights in two specific cases.

First, the adjudication must be in a judicial proceeding—that is, not in a State court, and not before a State administrative agency—and the adjudication must simultaneously bring forward all the rights on that particular stream or source including all the State appropriated rights. The second requirement, as you probably well know, is often called the general stream adjudication requirement. It brings all of the rightholders together in one forum.

The policy of the McCarran amendment is apparent. States have the opportunity to adjudicate Federal water rights where there are the procedural protections of a judicial forum and in situations where the Government is not singled out as the sole purpose of the exercise.

While the McCarran amendment is not perfect—and no one thinks it is—it does seemed to have worked reasonably well in its 40 years. A number of states have accepted the invitation and have instituted general stream adjudications to determine Federal water rights along with all others on certain streams. State courts are responding with decisions that meet the objectives of the McCarran amendment providing greater certainty for all water users in a comprehensive and fair judicial proceeding. Section 302 we think would introduce a whole new element of uncertainty into what is now a well-settled process.

A further and we think even more serious problem with section 302 as regarding wilderness is that wilderness areas would have Federal water rights only as such rights are defined in State law, in this case the law of Idaho. The broader policy implication of this approach is that water rights of wilderness areas, areas that Congress has placed into the national wilderness preservation system, will be different from State to State. Every State will remake the wilderness Congress has established according to the vagaries of that jurisdiction's laws.

That gives us pause because there is a great range in the instream flow law policy of the Western States.

Senator McClure. Can I interrupt at that point because I've been perplexed by the stand the Sierra Club has taken, and I want to be sure I understand.

Ms. Fox. I hope I can clarify it, Senator.

Senator McClure. You have said that if, indeed, this provision stands, then there is no Federal water right in the wilderness area?

Ms. Fox. No, Senator, not as I read the provision as it is drafted. What I think it says—and I hope I'm reading it correctly—is that there's a Federal water right to be determined under state water law standards.

Senator McClure. That is not what the language is intended to say. I don't believe that is what it does say.

Ms. Fox. Perhaps you can illuminate it for me then. That would help.

Senator McClure. My understanding of the provision—and I know what it is intended to say—is that whatever right the Federal Government now has with respect to the lands to be included in the wilderness by the legislation will continue. Whatever reserved right the Federal Government has today will continue. Any additional water right that they may need would have to be perfected under State law. There would be no additional right conferred upon the Federal Government by the act of designating a portion of the Forest Service lands as wilderness.

Ms. Fox. So, if the land in question has a national forest reserved right, then you consider that right as left intact.

Senator McClure. Yes.

Ms. Fox. It's not that there is just no additional Federal reservation for wilderness.

Senator McClure. That is correct. And all of the lands we are dealing with here are Forest Service lands subject to that Federal reserved right.

Ms. Fox. Well actually, Senator, we do disagree then because we do think that a wilderness designation carries with it a new reservation because there are different purposes.

Senator McClure. Then let's carefully distinguish between the two. We are not subtracting anything, but you want to add something.

Ms. Fox. We think that when Congress sets aside land for wilderness purposes, those purposes are so much broader than those of a national forest. Especially when you look at the Supreme Court's definition of the kind of water right that a national forest holds, only for watershed purposes and timber protection, then you look at a wilderness area designation, and there's a much broader set of purposes. And if you look to the purposes of the designation to determine the nature of the right, then you have a second reservation, and the amount of water for the wilderness is going to be a different, certainly in scope, effect than that of a national forest reservation. I think that is our difference.

Senator McClure. Yes, and I understand it. I just want to make sure that we have very clearly stated what the difference is.

Ms. Fox. Yes, thank you.

Should I continue since I——

Senator McClure. Thank you. I think perhaps I'll give you one more minute because I interrupted.

Ms. Fox. Thank you very much.

Our biggest concern I think—I'll just paraphrase my remarks to make it go more quickly—is that when you do not acknowledge the existence of the second reservation and look to the broader purposes of the Wilderness Act, then if the United States thinks that that particular area which is designated as wilderness needs additional water more than it would need for the two, we think, narrow purposes that national forests have, then the United States has to go into a State forum, in the case of Idaho, the State administrative forum, and seek the right underneath the State in-stream flow law. While the Idaho in-stream flow law is laudably broad in its purposes and much more similar to the Wilderness Act, it is not like that in most other States.

As you probably well know, there are many Western States that don't have an in-stream flow law at all, for example, New Mexico. Neither the United States nor a State entity nor an individual could go in and acquire a right for other than consumptive purposes. So, there would be what we think a tremendous inconsistency in the way the wilderness system was managed if it was left to the in-stream flow laws of each State because they are very different in standard, and in some cases there is no such law at all. And we think that inconsistency seriously undermines the national wilderness preservation system such that the management of the water resources would be very different from State to State. And I think that has serious policy problems.

In addition to that, we think the whole state forum under the McCarran Act provides a fairness question and gets the Federal Government into the State's adjudication process and into the administration of that right once it is determined.

Thank you.

[The prepared statement of Ms. Fox follows:]

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Testimony of

Maggie Fox
Southwest Representative, Sierra Club

Concerning
The Idaho Forest Management Act (S. 2055)

Before the
Subcommittee on National Parks, Public Lands and Forests
United States Senate

June 21, 1988

Mr. Chairman and distinguished members of the Committee:

Thank you for the opportunity to testify today on behalf of the Sierra Club. I will be testifying with particular regard to Section 302 of S. 2055, the water rights provision entitled State Water Allocation Authority. I am submitting for the record additional testimony of the Sierra Club concerning other aspects of this legislation, and I ask that it be inserted in the hearing record.

I am the Southwest Regional Representative for the Sierra Club. As you might guess from my title, my work usually covers issues only as they affect the Four Corners states of Arizona, Colorado, New Mexico and Utah. I appear today before the Committee to discuss the water rights implications of S. 2055 as someone who has worked extensively on the issues surrounding wilderness reserved water rights for the last four years.

Specifically, I have worked with many others for passage of a Colorado wilderness bill which has been held up since 1984 on the question of what water rights a federal wilderness designation infers. Interested parties in Colorado have been involved in negotiations at the request of Senators Wirth and Armstrong for just over nine months on this subject, and I have been a part of those negotiations. As the time frame of the negotiations might imply, we have thoroughly discussed many of the ramifications of the effect of a wilderness reserved right even if we have not always been able to agree as to what we should do legislatively on this matter of great importance.

After a close review of Section 302, we conclude that it would eliminate federal reserved rights for all wilderness areas in Idaho, both existing and proposed. This bill proposes an abandonment by the United States of the reserved water rights impliedly held in the 4 million acres of existing wilderness in Idaho under a long and settled history of United States Supreme Court cases. While the bill does not go so far as to constitute a forfeiture of any reserved rights currently held by the United States for either wilderness areas or Special Management Areas, it does abandon rights impliedly held that have simply not been adjudicated, i.e., quantified pursuant to a state administered adjudication as required by the McCarran Act.

Let me digress for a moment to a brief background on reserved water rights generally. In a long line of cases dating to 1908, the United States Supreme Court has recognized that whenever the United States withdraws or reserves land from the public domain for particular purposes, it impliedly reserves sufficient water to fulfill the purposes of that reservation. Reserved water rights currently exist under the law for military reservations, Indian reservations, national parks, forests, wildlife refuges and National Recreation Areas. (To the extent that any of these lands were acquired rather than reserved, however, there can be no reserved water rights.)

The controversy historically has been over the quantification of reserved rights more than the fact that they were implied rights rather than rights that Congress expressly granted at the time of the designation. (Let me not leave the impression that there has not been much discussion over the implied nature of the right; I mean to suggest that the quantification issue has been more controversial.) The Court has looked to the purposes of each reservation to determine the standard for quantification. National forests, for example, were deemed to have been withdrawn from the public domain and reserved for two specific (and we think narrow) purposes of managing water flow and regulating timber production under the Forest Service's Organic Act of 1897. Thus, national forests have no water rights to protect streamflows for wildlife, grazing, recreation or aesthetics.

In Sierra Club v. Block, a federal district court case in Colorado, the court specifically recognized that water rights were impliedly reserved for wilderness areas under the Wilderness Act of 1964. The court looked to the purposes of wilderness ("recreational, scenic, scientific, educational, conservation, and historical use") to decide that wilderness has an implied right to minimum streamflows and lake levels to protect these values.

Significantly, National Parks have a settled history of reserved rights for minimum streamflows and lake levels, and the statement of purpose in the Organic Act for the parks is very close to that of the Wilderness Act.

S. 2055 departs radically from settled law. Whenever there is a federal program, water for the fulfillment of that program always has been, and we think should continue to be, a matter of federal law. That does not change the tradition of congressional deference to state law in the water area. Under the McCarran Amendment, 43 USC 666, which has governed state-federal relations in water rights for nearly forty years, the United States waives its sovereign immunity in a well-defined category of water rights matters.

Specifically, it allows the states to adjudicate (that is, to determine the character, quantity, and priority date of each right) and to exercise jurisdiction over federal reserved rights in two specific cases. First, it must be a judicial proceeding (in state court, not just before a state administrative agency such as a state engineer or department of water resources). Secondly, it simultaneously adjudicates all other water rights (including those that arise under state law) claimed on the particular stream or source. This second requirement is often referred to as a general adjudication. Many such adjudications are now ongoing, covering many of the important watersheds of the West. Once adjudicated, these federal rights will, for the most part, be administered through the state systems.

The policy of the McCarran Amendment is apparent: states have the opportunity to adjudicate federal water rights where there are the procedural protections of a judicial forum, and only in situations where the government is not singled out as the sole purpose of the exercise.

Section 302 would eliminate both of these protections. The United States would be required to persuade some state administrative agency, in an individual proceeding, of the scope and nature of the federal water right. If the agency balked, then presumably the federal land manager would have to pursue whatever remedies the state made available. While most states would allow the United States to appeal adverse administrative decisions to state court, the administrative decision is given substantial deference under the law, and courts exercise only limited review of such decisions. Further, under Section 302, the state administrator would be determining the federal water rights in a vacuum, without considering other water rights on the same stream or source.

While the McCarran Amendment is not considered perfect, it does seem to have worked reasonably well. A number of states have accepted the invitation and have instituted general stream adjudications to determine federal water rights, along with all others on certain streams. State courts are responding with decisions that meet the objectives of the McCarran Amendment: providing greater certainty for all water users, in a comprehensive and fair judicial proceeding. Section 302 would introduce a whole new element of uncertainty into what is now a well-settled process.

A further and, we think, even more serious problem with Section 302 is that wilderness areas would have federal water rights only as such rights are defined under state law, in this case the law of Idaho. The broader policy implication of this provision is that the water rights of wilderness areas, areas that Congress has placed into the National Wilderness Preservation System, will be different from state to state. Every state will remake the wilderness Congress has established according to the vagaries of that jurisdiction's laws.

Even more serious is the fact that some states simply do not have laws on the books that allow for an instream flow, i.e., some states have not by law determined that instream flows can be beneficial uses. In such states as New Mexico, for example, no individual or state entity can acquire a water right for instream flow purposes. Water rights in New Mexico can only be held for consumptive purposes such as irrigation, industrial or municipal uses.

The importance of a federally held water right for wilderness seems obvious. One would think that when Congress acts to protect wild areas from activities that would destroy their natural character, that protection would extend to their water resources as well as to the flora, fauna, geological and other features. It simply is not possible to have a National Wilderness Preservation System without having the trees, the grasses, the soil and the water within the wilderness governed by federal law. Without such, the national wilderness policy of the 1964 Wilderness Act would be seriously undermined.

The history of the movement to provide legal protection for wild lands shows clearly that the concept of wilderness is more than a tool for landform preservation, to exclude roads and structures. Instead, it has much broader, more abstract purposes, related to ecosystem preservation, scientific study, inspiration, among other things. A wilderness area must have the legal means of protecting its wild values, including its water resource values.

One must ask, after looking at the consistent Congressional practice of reserved water rights as implicit rather than explicit and the total judicial agreement on the need for federal water rights on federal reservations, why such an amendment is necessary. It should not be seen as solely a question of states' rights given the forty year history of the McCarran Amendment and the past and present day usage of its procedural mechanisms by many Western states.

Nor does it seem likely that the reason to forgo a federal water right as defined by federal law is based on a concern about its implications for existing water rights. Valid existing rights, whether in or above designated wilderness, are protected as such.

Rather, the concern must be for future water development. But it is clear under the law that abandoning federal reserved rights for state defined water rights does not open the gates of wilderness areas to water development inside. New water development inside wilderness is forbidden under the law unless a President is persuaded to authorize a project pursuant to the exception that is present in the Wilderness Act.

Concern over future development upstream of designated wilderness still is not abated by the creation of a federal right held only under state law. A standard feature of prior appropriation systems prevents transfer of water rights if there is injury to any other appropriator on the stream, whether that right is senior or junior to the appropriation being transferred. One would assume that a state defined federal wilderness water right would have the same rights as other rightholders in the state system. If so, the "threat" remains the same.

The only real purpose to be served by defining a federal wilderness water right under state law is to limit its definition and therefore its quantity. While the Idaho instream flow statute is laudably broader in its protected purposes than most other state instream flow statutes, it is still not the same definition as the Wilderness Act and thus the water rights sought under the Wilderness Act by the United States would be essentially different in scope and in effect from those the United States could hold under Idaho's instream flow law.

This difference might be slight in some instances and great in others. Most notably, it would be different from the congressional purposes for which the area is recognized and protected for future generations. Thus we find Section 302 to be unacceptable in its approach.

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Additional Testimony of the Sierra Club

Before the
Subcommittee on National Parks, Public Lands, and Forests
United States Senate

Concerning
The Idaho Forest Management Act of 1988 (S. 2055)

June 21, 1988

On behalf of the Sierra Club, we would like to submit this additional testimony concerning the Idaho Forest Management Act of 1988.

The Sierra Club was founded in 1892 and represents more than 430,000 members nationwide. The Sierra Club actively works to preserve America's wild places and encourage sound management of our public lands. With our Idaho members, we have long been involved in developing wilderness proposals and working to improve the management of our national forest lands in Idaho.

This legislation must be viewed in two distinct parts: (1) the two-thirds of the proposed law which includes the special management provisions and (2) the wilderness designations. One cannot be viewed without the other, which is unfortunate, for if the bill included only proposed wilderness designations, the 1.4 million acres would have been a positive step forward. The 1984 Idaho wilderness legislation included only 560,000 acres. Even so, the wilderness designations are inadequate, as too many important areas are still missing, and many of the proposed areas have poorly drawn boundaries. The wilderness proposals are inadequate as they stand, but could have provided a constructive starting point by themselves.

Many wilderness designations are attached to special management provisions in the bill creating emasculated wilderness coupled with controversial and untested management direction. These proposals are wholly unacceptable and run counter to traditional wilderness legislation. Many other provisions constitute a serious threat to sound forest and wilderness management. The Idaho Forest Management Act of 1988 is completely unacceptable to conservationists as it is currently written.

Special Management Provisions

All of the special management provisions of S. 2055 are irrelevant in a wilderness bill for the state of Idaho. These provisions attempt to involve Congress in issues of national forest and wilderness management that Congress has clearly indicated should be the role of the managing agency, the U.S. Forest Service. In particular, many of these provisions bypass the forest planning process which was established by the National Forest Management Act of 1976.

There are many very specific concerns the Sierra Club has regarding the special management provisions of S. 2055 as they relate to specific areas. But for the purposes of this testimony we will focus on the broader issues this legislation raises.

** Mandated timber harvests -- "Not withstanding any other provision of law" the Bonners Ferry Special Management Area "will provide 3.5 million board feet additional allowable sales quantity..." In addition, a minimum harvest level is mandated for the entire Bonners Ferry Ranger District as well as the entire Idaho Panhandle National Forest.

The legislation mandates these harvest levels regardless of possible violations of the Endangered Species Act, the Clean Water Act, the National Forest Management Act, and the Multiple Use Sustained Yield Act. Further, the legislation undermines the ability of the Forest Service to manage the forest in the best interests of the public by eliminating agency flexibility to respond to changing circumstances or information. Justification for these mandated harvest levels is not offered.

Conservationists' analysis of the Panhandle National Forests plan show that lower timber harvest levels are consistent with past and current industry needs, and that these lower levels are necessary to protect the other important resources of the forest.

** Legislating unproven forest plans -- Forest planning is a process designed by Congress to allow long-range planning by the Forest Service while also allowing flexibility to respond to changing situations on each forest. This process allows for mid-course corrections in management as time passes and the consequences of untested management prescriptions become evident.

The forest planning process also allows for public participation in the development of these forest management plans. This allows for the involvement of not only concerned members of the public but for other agency involvement as well. The public involvement process in the development of forest plans in Idaho is not complete. Eight of the ten national forest plans for Idaho remain under discussion -- seven of these plans are under administrative appeal and one remains in just-released draft form. The Environmental Protection Agency has been consistently critical of these plans for inadequate information, inability to meet clean water standards, and monitoring and evaluation of environmental and resource damage due to logging and roading.

S. 2055 takes portions of several of the most controversial forest plans and enacts them as law. This action would eliminate public involvement where Congress now requires it, and would eliminate agency flexibility in management of national forest lands as Congress intended.

Several "Special Management Areas" would be established in the legislation which would take unproven timber harvest programs in controversial and currently challenged national forest management plans and make them law for permanent management of the areas so designated. A significant portion of these areas include lands included in conservationist and sportsman-supported wilderness proposals.

For instance, on the Clearwater National Forest the Mallard-Larkins and East Weitas Special Management Areas are to be "managed permanently as a 'C8S' area as described in the Forest Plan." The alleged reason for this is to maintain fish and wildlife habitat, "while producing timber from this productive Forest land."

The C8S classification in the final Clearwater forest plan has a goal to "manage big-game summer range for a minimum of 75 percent of elk habitat potential." It further states that "timber harvest activities during winter months will not be restricted" if there is no major wildlife conflict. Also, agency staff should "locate and design roads for timber harvest only."

As part of the Clearwater forest plan the C8S provision is administrative and thus allows the agency to change it if the result of the management is not the desired result. (This forest plan is under appeal by conservationists.) The National Forest Management Act requires that forest plans and the management provisions within them be reviewed at regular intervals. Legislating the particular provisions of a plan could well result in the agency being hamstrung with management direction that, after a short time, is determined not to work or is found to produce severe damage to watersheds, fish and wildlife. The goals of the NFMA would be thwarted and resources needlessly sacrificed.

Two special management areas on the Payette National Forest are of particular concern. The French Creek area is an important portion of the conservationists' wilderness proposal and contains valued wildlife habitat. The legislation establishes a special management area with an unproven management scheme involving timber harvest and roadbuilding in place of wilderness designation. This proposed Congressional micro-management of the area bypasses the public, agency, and judicial review now required by the National Forest Management Act at the additional expense of diminished fish habitat and elk and deer herds.

The other Payette area of great concern is the renowned South Fork of the Salmon River where S. 2055 mandates logging this sensitive drainage. The South Fork was once the most productive spawning area in the entire Columbia River system for summer-run Chinook salmon. Much of the fishery was very nearly destroyed by sedimentation resulting from logging and logging-related roadbuilding in the mid-1960s. After a slow and carefully monitored recovery, it continues to be an important fishery for salmon and steelhead and is improving. Conservationists and sportsmen do not feel any soil disturbing activities are appropriate if the river's restoration is to succeed.

In the South Fork special management area the proposed logging activities are untested, are based on an unproven sedimentation model, and unproven and questionable mitigation activities. The logging should not be legislated in such a valuable and sensitive area.

The South Fork of the Salmon River is a good illustration of why Congress should not be involved in micro-management of national forests and why they chose not to in the National Forest Management Act. After the disaster on the South Fork in 1965 described above, the Forest Service immediately closed the area to logging. If at that time the Forest Service had been encumbered with legislation similar to S. 2055, the agency's immediate response would have been difficult to impossible, and it might have taken years for the necessary changes to be made into law that would have allowed the Forest Service to stop the logging.

Other special management areas would be established in S. 2055 that would legislate off-road motorized vehicle use, bypassing established Forest Service practices for determining areas where such use is acceptable. Legislating these special management areas deprives the Forest Service and the public to help determine where such use is appropriate.

The special management areas to be established in S. 2055 are, for all the reasons described in the preceding pages, not in the best interests of national forest management in Idaho and strongly opposed by the Sierra Club. These provisions deny the public, administrative, and judicial review of forest plans granted by the National Forest Management Act, undermine the intent and integrity of the forest planning process, violate the Multiple Use Sustained Yield Act and involve Congress in exactly what it chose not to do in passing the NFMA, i.e., to micro-manage the national forests.

Additionally, these provisions to S. 2055 provide "back-door" hard release by mandating development, and thus they subvert the intent and purpose of standard release language included in all wilderness bills since 1984.

Additional Management Provisions

Other provisions are included in the legislation which are of concern. These include allowing helicopter landings for recreational skiing, motorized access to wilderness for grazing improvements, allowing all outfitter and guide camps and practices even when incompatible with wilderness, a broad definition of roads to allow for large exclusions from wilderness, and others. The Sierra Club encourages Committee scrutiny of these provisions as well as those detailed above.

Inadequate Wilderness Designations

The wilderness designations in S. 2055 are unsatisfactory. As noted earlier, while the package of approximately 1.4 million acres is a positive step from the 1984 wilderness proposal, it is a long way from a proposal which adequately protects the extraordinary values of Idaho's wilderness heritage.

Some adjustments have recently been made in the proposal in S. 2055 by amendment, but these have not begun to deal with the most significant problems with the proposal, and in some cases make them worse.

The wilderness proposal for Idaho supported by the Sierra Club is included in H.R. 1512, The Idaho Wilderness Act. This legislation has been introduced in the 98th, 99th, and 100th Congresses.

Several of the areas included in S. 2055 have boundaries which need significant revisions for both ecological and management reasons. These include the Great Burn where a large segment is omitted that was proposed for wilderness by the Forest Service and would match the House-approved wilderness proposal on the Montana side of the border.

In the Payette region, only the Secech and Needles areas get wilderness protection while the most valued wildlife habitat of French Creek and the South Fork of the Salmon River are slated for a special management category which includes logging.

Others include the Boulder-White Clouds area where, even after the recent amendments, the Boulder Mountains remain largely unprotected and the best wildlife habitat in the entire area is omitted from the proposal; these the lower drainages on the east side. In addition, a corridor for ORV use cuts this important area in two pieces. It is not clear whether with the new amendment the area is now in three pieces to facilitate ORV abuses at the expense of wilderness values and sensible management.

Many areas of great importance to conservationists and sportsmen were left out of the S. 2055 proposal entirely. Some of the most important areas include: the North Lemhi Mountains, Diamond Peak, significant portions of the Payette Completion, the West Bigholes, and the several of the areas included as special management areas which would be better protected as wilderness.

Several areas key to the protection of anadromous fish habitat statewide and crucial to protection of the valuable and nationally significant fishery were also omitted from S. 2055. These include the Fish and Hungry Creek area, Elk Summit, Payette areas, Rapid River, and the entire east side of the conservationists' White Cloud Mountain proposal.

Summary

A great many other problems exist with the boundaries in S. 2055 and with omissions to that proposal. The Northern Rockies Chapter and individual groups of the chapter have already submitted testimony on S. 2055 that further details problems with boundaries and omissions. We encourage the Committee to examine those comments for further details.

The Sierra Club urges the Committee to remove the extraordinary and extraneous provisions that are not germane to the wilderness proposals that are under consideration. They threaten the necessary flexibility of the Forest Service to modify these untested management provisions as need dictates. They undermine many of the laws that Congress enacted to help develop better management for our national forests. They are a poor substitute for the wilderness protection that these important fish, wildlife, and recreation areas deserve.

We look forward to working with the Chairman and members of the Committee to see a wilderness package move forward that protects the important areas that have been left out and that suffer from impoverished boundaries. Idaho is blessed with a wild lands resource that is extraordinary in its richness and diversity. It offers a tremendous opportunity to the American public and Congress to protect these precious areas. We urge the Committee to make significant and badly needed improvements to this legislation.

Thank you.

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Supplementary Statement
of
Maggie Fox
on
S. 2055

Senator McClure has described the water rights provision in Sec. 302 of S. 2055 as neutral, not subtracting or adding any right for wilderness. According to Senator McClure, a wilderness water right is unnecessary and additive, and thus Sec. 302 does not harm wilderness. I do not believe this is an accurate characterization of the provision -- the language is not neutral, and it takes away an important tool for protecting wilderness resources.

Senator McClure seems to offer two arguments to support his interpretation of the benign nature of Section 302. One, the existence of a federal reserved water right for the national forest negates any need for a wilderness water right and two, the provisions of Idaho state law are sufficient to provide protection for the water related resources on federal wilderness areas. Neither of these assertions is supported by the facts.

A wilderness water right on national forest land is certainly additive, but hardly unnecessary. The federal reserved right that acrues to a national forest is for the quantity of water necessary to carry out the purposes of national forests as delineated in the Organic Act of 1897. The Supreme Court found, in United States v. New Mexico, that the quantity would be limited to that necessary for the purposes of timber production and maintaining the watershed since these were the only purposes stated by Congress in the Organic Act of 1897. The Organic Act was the only legislation that the Court looked to to define the water right -- it did not consider the purposes of any of the subsequent forest management legislation such as the Multiple Use and Sustained Yield Act or the National Forest Management Act which expanded upon these purposes.

The reservation of wilderness by Congress brings with it an entirely new set of purposes which are considerably broader. The purpose of preserving the natural environment would entail the protection of water for significantly different values.

Thus, stripping existing wilderness areas of any implied federal reserved water right for wilderness purposes is not only not neutral, it is harmful to wilderness areas, and leaves the federal land manager without adequate tools to protect rivers, streams and water-dependent resources within the wilderness area.

The second part of Senator McClure's defense of Sec. 302 is similarly flawed. In place of a federally held right for wilderness areas, Sec. 302 offers as a substitute a procedure under Idaho state law, whereby the federal government could request that the state agency consider appropriating some minimum stream flow.

Since Section 302 offers Idaho state law as a substitute for the protection of a federal reserved right for wilderness, a closer look at the Idaho minimum stream flow law is necessary to understand the serious negative effects of Section 302. While a minimum stream flow is declared to be a beneficial use of water under Idaho law, water for such uses can only be appropriated by the Idaho Water Resource Board in conjunction with the staff of the Idaho Department of Water Resources. Under Section 42-1504 of the Idaho Code, a federal agency may "request that the board consider the appropriation of a minimum stream flow of the unappropriated waters of any stream." The board has to consider the request, but there is "no right of [judicial] review of any board decision rejecting a request."

Thus under Idaho law, which is allegedly what would replace the federal right for wilderness, the United States cannot hold a water right for wilderness in its own name for wilderness streams, nor does it have any remedy (judical or otherwise) if the state of Idaho rejects its request to have the Water Resources Board file for a minimum stream flow. If the Water Resources Board rejects the request of the United States, there is no recourse. The wilderness stream will have no stream flow protection under either federal or state law.

Additionally, in Section 42-1503 of the Idaho Code, which defines the process for appropriation of a minimum stream flow, an application for a minimum flow filing can only be accepted by the Director of the Water Resources Board on the basis of a series of findings. For example, the filing must be "necessary" for one of the purposes that the minimum stream flow is designed to protect (such as preservation of fish and wildlife habitat or aesthetic beauty), but the amount of water can only be "the minimum flow or lake level and not the ideal or most desirable flow or lake level." (emphasis added) Assuming no serious objection to the recommended minimum stream flow, an application by interested parties approved by the Director of the Water Resources Board is then submitted to the state legislature. In order to become operative, the legislature must act affirmatively through a concurrent resolution, or if there is no action by the end of the legislative session, the application is "considered approved." Sec. 42-1503.

There is nothing in the Wilderness Act of 1964 that talks of "minimum" protection for wilderness values. Even if the United States could hold a right in its name for wilderness streams in Idaho (which it cannot under the state law), the substantive standard for filing for minimal amounts of water, less than the "most desirable", does not meet either the statutory requirements for protection of natural ecosystems nor the stated policy of preserving these areas in their natural state into perpetuity.

Section 302 takes away the right of the United States to hold a water right for wilderness in its own name under either state or federal law. Thus wilderness in Idaho, both existing and proposed, will have water resources with greatly reduced protection now and into the future. While the impact of abdicating all water right protection for Idaho wilderness as mandated by Section 302 has serious negative implications for Idaho, as a matter of precedence, it is devastating to the National Wilderness Preservation System.

Water is the lifeblood of wilderness, and thus to legislate that one of the defining resources of each wilderness has no legal water right and therefore no protection against diminishment is to define a wilderness and leave its heart unprotected.

Section 302 takes away from existing wilderness in Idaho water rights protection and leaves only states' rights rhetoric in its place. Rhetoric because state law provides virtually no federal protection for these national values and no avenue for state protection of wilderness values in which there is any federal role whatsoever.

I would like to address one final issue that Senator McClure raised during the hearing. He asserted that in spite of the ruling on Sierra Club v. Block, the existence of a reserved water right for wilderness is unsettled law. The unsettled law claim was based on a federal district court case that failed to grant federal reserved water rights for wilderness in the Red River drainage of New Mexico. This case is State of New Mexico and the United States of America v. Molybdenum Corporation of America (Red River Adjudication), U.S. District Court N.M., Civ. No. 9780, March 1988. I have since researched this case and find that it does not support the contention that the issue of wilderness water rights is unsettled law.

The differences between the holding of this case and Sierra Club v. Block are both substantive and procedural. The substantive difference between the Red River Adjudication, which failed to grant a wilderness water right on the Red River, and Sierra Club v. Block, which held that wilderness areas have water rights, is that the Block decision deals directly with the question of whether wilderness areas have water rights and finds in two published opinions that are directly on point that all widlerness designations carry an implied water right. In contrast, the Molybdenum Corporation decision is strictly the adjudication of the Red River in which the U.S. asserted reserved water rights for wilderness. The decision of the district court denying water rights for wilderness streams in the Red River adjudication is not a final judgment, is an unpublished opinion and does not address the question of whether wilderness areas have reserved water rights.

Senator McCLURE. Thank you very much.

Mr. Greenwalt, you are no stranger to this committee. You have been here oftentimes in previous incarnations as well. You are very welcome here.

STATEMENT OF LYNN A. GREENWALT, VICE PRESIDENT, RESOURCE CONSERVATION, NATIONAL WILDLIFE FEDERATION

Mr. GREENWALT. Thank you, sir. I appreciate that welcome because I fear I will not please you entirely with the nature of my testimony.

Mr. Chairman, I am Lynn Greenwalt, for the record, vice president of the National Wildlife Federation speaking today for that federation and its 5.1 million members and supporters and for the Idaho Wildlife Federation.

Let me say by way of brief preface that the National Wildlife Federation is very much in favor of the support of wilderness designation when this kind of proscription is the most appropriate option available for protecting fish and wildlife related resources. Idaho, I am happy to say, is an exemplar as a state that contains this sort of magnificent resource, and that resource deserves the kind of attention being given it.

It, unfortunately, we believe does not receive precisely the degree of attention and protection under S. 2055 as presently written as it should. Therefore, the National Wildlife Federation urges rejection of this bill as it is presently written.

Let me say very quickly, Mr. Chairman, in the interest of saving time that our concerns I think are reflected by others here. They include the mandating of management in terms of increased timber harvest, particularly some dimensions of that that have to do with timber harvest in grizzly bear habitat, as well as the problem of timber harvests managed in such a way that water quality is not degraded beyond what it already is in some areas. And that we think is probably not appropriate given the opportunity to improve waters in some parts of your state, particularly the South Fork of the Salmon River, which I have had the delight to fish myself and found it extraordinary in those times.

Senator McCLURE. When was that that it was extraordinary?

Mr. GREENWALT. This was pretty close to 17 or 18 years ago. Much water has gone down the Salmon——

Senator McCLURE. It was much better before that.

Mr. GREENWALT. I suspect.

Senator McCLURE. And I don't blame you for that.

Mr. GREENWALT. Thank you, sir. [Laughter.]

And, of course, Mr. Chairman, there is the continued concern that was expressed by the previous witness about the reserved Federal water rights with which you are familiar. You know we are engaged occasionally in litigation on that subject.

Mr. Chairman, let me say finally that these matters are sometimes seemingly intractable. I feel that no situation of this kind is utterly and completely intractable, and I want you to know that on behalf of the National Wildlife Federation and its affiliate, and as there are identified ways to bring some resolution to this matter, we would like to participate because we believe resolution is far better than a continued dilemma of this kind.

[The prepared statement of Mr. Greenwalt follows:]

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STATEMENT OF
LYNN A. GREENWALT
ON BEHALF OF
THE NATIONAL WILDLIFE FEDERATION
BEFORE THE
SENATE SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS
REGARDING THE
"IDAHO FOREST MANAGEMENT ACT OF 1988," S.2055

June 21, 1988

Mr Chairman and members of the subcommittee, my name is Lynn Greenwalt and I am the National Wildlife Federation's Vice President for Resource Conservation. I welcome the opportunity today to present NWF's views on S. 2055, "The Idaho Forest Management Act."

NWF is the nation's largest conservation organization, with over five million members and supporters. We have a deep interest in the stewardship of our nation's national forests. We support the designation of wilderness where this management prescription is the most appropriate option for protecting fish, wildlife, watersheds, primitive recreation and scenic resources. The national forests of Idaho offer America some of the very best remaining opportunities in the lower 48 states to protect permanently extensive tracts of roadless forests and their wildlife values as wilderness. Unfortunately, S. 2055 fails to protect adequately that wilderness heritage and includes several very poor management provisions which we oppose. My comments will reflect our concerns about a few of the most troubling provisions of this bill.

First, NWF is opposed to Section 103 (1)(a) of the bill, which mandates timber harvest levels in the Idaho Panhandle. These provisions ignore carrying capacity, suitability and demand considerations. To require that the Bonner's Ferry Special Management Area provide 3.5 million board feet per year above whatever harvest level is called for by the forest plan is unjustifiable and renders the forest planning process meaningless. The controversey precipitated by the statuatorily-mandated harvest levels in the Alaska National Interest Lands Conservation Act (ANILCA) shows the danger in managing these matters in legislation.

Other timber management provisions are equally troubling; for example, at least three million board feet per year of the harvest required in Section 103 is located in "Category 1" grizzly bear habitat. Additionally, section 103 (a) (6) continues to allow logging in tributaries of the South Fork of the Salmon River, an area where sedimentation from past logging and road-building activities almost destroyed the fisheries. Jay Hair, President of NWF, wrote a letter to Governor Andrus on March 31, 1988 requesting wilderness designation for the South Fork. Instead, S. 2055, by allowing logging to continue as long as it does not increase the sediment load, essentially sanctions maintaining diminished fisheries.

The areas chosen for wilderness designation by S. 2055 also present a problem. Most of the areas the bill would designate as wilderness are "rocks and ice." While these may be beautiful areas and can provide some recreational benefits, they have limited wildlife value.

Too many key areas deserving wilderness protection are left unprotected by S. 2055. Examples include the Mallard-Larkins area of the St. Joe National Forest and the French Creek/Patrick Butte area for the Payette National Forest, both of which provide superior elk habitat and opportunities for a quality hunting experience. In the Mallard-Larkins area, S. 2055 allows logging and roadbuilding in:

-- the Snow Peak area, which provides habitat for North Idaho's most important population of mountain goats;

-- Buck Creek, which provides habitat for 9000 head of elk;

-- Upper St. Joe River, which provides excellent trout fishing;

-- Foehl Creek, an area containing elk habitat similar in importance to Buck Creek;

-- Elizabeth Lakes, a popular recreation area.

Also, we believe the Hungrey and Fish Creek Areas of the Clearwater National Forest should be designated as wilderness because of their prime fish and wildlife values, as well as their historical significance as the last unaltered portion of the Lewis and Clark Trail in the United States.

The final problem is the issue of federal reserved water rights. Section 302 expressly denies such rights for all areas designated wilderness in the bill. We object to the use of this language. NWF supports the federal court ruling in "Sierra Club v. Block" (1985), which acknowledges that wilderness designation carries with it sufficient water to preserve the purposes of wilderness. A primary motivation for enacting wilderness legislation in Idaho is for watershed protection. Eliminating water rights eviscerates this protection.

Water rights reserved in wilderness do not consume water. They assume that what flows today will flow tomorrow. While reserved water rights create no conflict with current users, expressly denying these rights sets the stage for riparian habitat to be harmed by future development.

NWF is aware of the need for an Idaho wilderness bill in order to resolve the longstanding controversey over the proper management of Idaho's remaining RARE II areas. We understand the frustration felt by those who have been striving to enact such a bill, but S.2055 as written is not an acceptable solution. Instead, the National Wildlife Federation urges Congress to reject this bill and insi~~st upon~~ giving the natural areas of Idaho the protection they deserve.

Senator McClure. Thank you very much.

Mr. Berle.

STATEMENT OF PETER BERLE, PRESIDENT, NATIONAL AUDUBON SOCIETY

Mr. Berle. Mr. Chairman, my name is Peter Berle. I serve as president of the National Audubon Society. As you know, we are one of the Nation's largest environmental groups. We have 500 chapters around the country, 550,000 members and four chapters in Idaho.

Mr. Chairman, we also oppose the bill in its current form. I will just tick off a number of our concerns since our full testimony is before you.

We are concerned about section 103(a)(2) which legislates aspects of forest plans which are now under appeal, specifically the Clearwater National Forest and Panhandle forest plans. We are concerned about legislative micromanagement of the forests which bypass the public review process that is guaranteed by the National Forest Management Act which we think that this accomplishes.

Our particular concern relates to the provision which is similar to that which was included in the Alaska National Interest Lands Conservation Act of 1980 when certain timber supply goals were mandated "notwithstanding the provisions of the National Forest Management Act." And Congress at this point is making an attempt to redress the difficulties which that presented. And we see similar language in S. 2055.

In April of 1988, the GAO report on Tongass recommended that Congress revise the mandated timber supply goal "so that the amount supplied would be based on the anticipated demand for timber rather than a rigid per-decade requirement." The rigid language that the GAO recommends against we find is the same that is contained in S. 2055.

We are particularly concerned with what we believe could be interpreted to be a mandate to, in effect, ignore other provisions of law. I'm referring now specifically to the language "notwithstanding any other provision of law" which is included in the act. We believe that this can be interpreted to require harvest regardless of violations of the Endangered Species Act, regardless of violations of the Clean Water Act, regardless of violations of the National Forest Management Act, and regardless of violations of the Wilderness Act. If, indeed, it does not permit that, we suggest that the language should be clarified.

We are also concerned about the protection of wildlife with respect to areas designated for logging. Section 103(a)(5)(i–vi) provides a number of techniques which we do not think are tested, and we think that those unproven management practices for existing wildlife protection should not be adopted. With specific areas, we are much concerned about the implication of those in the French Creek area which we feel would be unwise.

I will not spend more time commenting on the water issue because you have heard others talk about it. But we believe that the language as it is currently drafted could be interpreted as a removal or at least, if not a removal, there are not sufficient guarantees for water in the wilderness area which we regard to be very particular. We point out, however, that we do not think that in this particular case the impact on this particular resource is particularly significant in light of the hydrology of the area which is being involved.

We are concerned, however, about water quality. Our concern particularly relates to some of the language which is contained in section 103(a)(6)(B)(i–vi) which indicates that the mitigation guidelines are to provide for removal of deposited sediment which shall occur before, during or immediately after commercial activity associated with timber harvesting within a sale area commences. We submit that that language is simply not practical and removal of sediment before the activity begins or shortly thereafter is simply not doable. And therefore, we do not believe that these mitigation practices that are specified are effective.

We are also concerned about the definition of roads, which has been a matter of discussion here. Specifically section 309 defines a road as "any parallel track," and our concern is that someone who may have driven a vehicle over an area some time ago and created a track has created an area which becomes defined as a road.

Finally, we are concerned, Senator, about areas which we believe should be included within the wilderness designation. These are areas which are specified in some detail in my testimony. And since I see that my time has run out, I would refer the committee to those specific areas.

[The prepared statement of Mr. Berle follows:]

National Audubon Society

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STATEMENT OF PETER BERLE
PRESIDENT,
NATIONAL AUDUBON SOCIETY
BEFORE THE SENATE SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS
REGARDING S. 2055,
THE "IDAHO FOREST MANAGEMENT ACT of 1988"
JUNE 21, 1988

Thank you very much for the opportunity to appear today on behalf of the National Audubon Society. As you know, the National Audubon Society is one of the nation's largest environmental organizations. It is on behalf of our 550,000 members, and 500 chapters across the nation--including four chapters in the state of Idaho--that I appear before you today.

The National Audubon Society has vigorously participated in many efforts to protect the superb wilderness, scenic, and wildlife treasures of Idaho. Our individual members have attempted to be of assistance in many stages of the development of the Idaho Forest Management Act of 1988 (S. 2055). It is against this background of long involvement and sincere concern for the future of these resources that we must express our extreme disappointment with the McClure/Andrus Idaho "wilderness" proposal.

The overall thrust of S. 2055 is so extreme in its implications for future forest management that, even though it does have some very worthwhile provisions, we cannot support it. Idaho possesses nationally significant, unprotected wildlands, and the state continues to draw people from all over the nation to enjoy its wilderness resources: hiking, camping, fishing, hunting, wildlife observation, "floatboating," and other mainly nonconsumptive uses.

Although the designation of 1.4 million acres as wilderness in S. 2055 would be a positive step, the proposal is still flawed because too many important areas are missing and some of the proposed boundaries are poorly conceived. The potential progress that this bill could achieve is marred by the device of adding page after page of timber sale provisions that permanently allocate large portions of the national forests to roadbuilding and logging without public review.

Senator McClure and Governor Andrus have indicated that they are unwilling to accept changes in the bill. This sentiment, along with provisions of the bill that effectively remove public review, go against traditional legislative practices and effective participatory democracy. For example, Sec. 103. (a)(2) [all notations refer to the February 16 copy of the bill] legislates aspects of controversial forest plans (Clearwater National Forest and Panhandle National Forest) that are now under appeal by a number of conservation and sportsmen's groups. These appeals are based on many of the very provisions that the bill attempts to legislate here. These plans have unproven assumptions, are highly controversial, and are not finalized pending the outcome of the appeals. This type of legislated management of national forests bypasses the public review guaranteed by the National Forest Management Act and undermines sincere public efforts to improve severely flawed forest management plans.

In a last minute provision of the Alaska National Interest Lands Conservation Act of 1980 Congress exempted Tongass National Forest management from elements of existing law and mandated a timber supply goal "notwithstanding the provisions...of the National Forest Management Act [90 Stat. 2949]." Even while Congress is making a serious attempt to redress this mistake this year, the Idaho Forest Management Act contains a similar provision in Sec. 103. (a)(1). An April, 1988 GAO report on the Tongass provision recommended that Congress revise the mandated timber supply goal "so that the amount supplied would be based on the anticipated demand for timber...rather than on a rigid per-decade requirement." The rigid language that GAO recommends against is just the type found in the Idaho Forest Management Act.

S. 2055 goes still further, mandating timber harvest, "Notwithstanding *any other* provision of law... [emphasis added]." Thus, S. 2055 requires harvest *regardless* of violations of the Endangered Species Act even though the area contains endangered species including the grizzly bear, *regardless* of violations of the Clean Water Act even though severe erosion and sedimentation resulting from the harvests would endanger prime fish habitat, *regardless* of violations of the National Forest Management Act even though that act spelled out minimum standards of forest management, and *regardless* of violations of the Wilderness Act even though much of the area slated for timber harvest might be declared wilderness. This language is completely unacceptable and should be removed from the bill.

The Idaho Forest Management Act gives only cursory protection to wildlife in areas designated for logging. Sec. 103. (a)(5) (i-vi) outlines certain practices to take place in order to protect these animals in the French Creek area. Providing small buffers around important wildlife areas and short time restrictions on harvesting activity during calving seasons is most likely not enough to prevent big game population declines. The bill attempts to substitute unproven management practices for the proven wildlife benefits of wilderness. We believe the French Creek area should not be logged but should be protected as wilderness.

Sec. 302. (a) contains the extraordinary statement that "[w]ithin the State of Idaho, nothing in the Wilderness Act nor this Act nor any other legislation designating lands as wilderness or special management areas shall constitute or be construed to constitute either an express or implied reservation of water or water rights for any purpose." Denying water rights to a wilderness area is a perverse notion. Water is an intricate part of any ecosystem, and one of the main reasons to preserve an area as wilderness is to protect the fish and wildlife the are dependent on a reliable and unpolluted supply of water. Water is also important to many forms of recreation, including fishing, and to the sheer beauty of the proposed wilderness areas. Practically and conceptually, denying water to a wilderness area is an absurd idea.

Nonetheless, due to the geology and hydrology of the proposed wilderness areas we feel that the actual effect that this provision would have on water in the Idaho wilderness--not to mention areas downstream--is minimal. Most of the proposed wilderness areas are highlands or mountaintops where there are no competing uses for the water. The wilderness areas are essentially upriver from the valleys below where the water becomes useful for agricultural or industrial purposes. Further, wilderness areas provided beneficial flow regulation and filtration to water that passes through them. Precipitation in established forest ecosystems filters into to the ground much more readily. The water then flows slowly underground to nearby streams where it is released at slower and more consistent rates. Water that falls on denuded areas, such as those left by clearcutting, runs off much more rapidly, often resulting in damagingly high flows, massive erosion, wasted water, and lower flows in the drier part of the year. There is no practical way for humans to intercept the flow in these wilderness areas and deny the wilderness its rightful water supply, nor is there any reason that they should want to.

We see no purpose or logic behind the water rights language in the bill. Including this sort of language in the bill could be detrimental to future wilderness protection measures throughout the United States. We are most concerned that if the language is to be included in the bill that it not be deemed precedent setting.

Water quality is also a serious concern in this bill. Logging is slated to occur in many areas where erosion and sedimentation will damage and potentially destroy many valuable fisheries. Sedimentation is always a problem at logging sites, and sedimentation's negative effects are especially apparent when fragile fisheries are located just downslope or downstream. Sedimentation destroys fisheries by filling in the spawning beds of gravel where salmon deposit their eggs and by clogging the gills of fry. The South Fork of the Salmon River was once already nearly destroyed by sedimentation due to logging, and this is no time to once again endanger this valuable Chinook salmon and steelhead fishery as it continues its slow recovery.

The sedimentation mitigation provisions in Sec. 103. (a)(6)(B)(i-vi) of the bill are dubious. The mitigation guidelines outlined are insufficient, place the fishery resources at far too great a risk, and, among other faults, state that, "removal of the deposited sediment shall occur before, during or immediately after commercial activity associated with timber harvesting within a sale area commences." To remove the sediment from a stream before it is deposited in a stream would be a neat trick. To remove sediment from a stream during or immediately after harvesting is unrealistic if not impossible. Sediment is carried to the stream by overland water flow resulting from rainstorms. It seems unlikely that the timber harvesters will be diligently waiting by the side of the stream when rain finally comes to wash the mountainside away. Even then, most likely, the damage will already have been done. Finally, even if the sedimentation mitigation guidelines were adequate, the likelihood that they would be properly and fully carried out on site is remote. Only prohibition of logging in critical watershed areas will adequately protect the valuable fisheries in the area.

S. 2055 does more to mandate continuation of existing destructive activities than it does to mandate preservation of the wilderness itself. The bill does more than accommodate off-road vehicle (ORV) use; it caters to it. Not only is ORV use allowed in sensitive areas, but in Sec. 103. (a)(7-8) the bill goes so far as to provide for designating "certain trails in [Sawtooth National Forest] for use solely by motorized vehicles[.]" The bill also mandates permanent preservation of unneeded, unwanted and destructive airstrips (Sec. 305.). Further, Sec. 309. provides that "*any* parallel track [emphasis added]" is to be defined as a road and, along with a one hundred foot wide swath from the middle of the road, excluded from wilderness preservation. Any old "track," perhaps created by just a few passes of a single vehicle years ago, could thus be designated a road, excluded from wilderness designation and pave the way for increased destructive use. The purpose of wilderness designation is to preserve wilderness, not to preserve small chunks of land riddled with roads.

Motorized vehicle use, be they ORVs, 4-wheel drives, airplanes or the family car, is inconsistent with wilderness, wilderness values and wilderness preservation. Noise from motorized vehicles is disturbing to both the wildlife and the visitors to a wilderness area. The land clearing and maintenance required for the use of such vehicles, as well as the wear and tear caused by the vehicles themselves, increase erosion and scar the very wilderness landscape that deserves to be protected. The language providing for ORV use, airstrips and road preservation in these sensitive wilderness areas should be removed from a revised version of the bill.

Besides the problems with the existing provisions of the bill, crucial areas in need of protection have been left out or opened for logging. Idaho possesses nationally significant, unprotected wildlands, and this bill ignores their significance and leaves them unprotected. For example, the Fish and Hungery Creek area is the largest remaining undisturbed portion of the trail followed by Lewis and Clark. Close to seventeen miles of trails in the area remain as Lewis and Clark first saw them. The timber harvests planned in the upper drainages would result in erosion that would disturb the entire length of the creeks in this area. The 60,000 acre area contains extremely popular elk hunting area as well as wolf habitat. As we reconsider this bill, the Fish and

Hungery Creek wilderness area should be at the top of a long list of areas that were neglected in the first draft and that should be included in the final bill.

Besides failing to protect several important areas, some of the areas the bill does slate for wilderness designation have poorly drawn boundaries which reduce the actual amount of protection given to them. In many cases, the bill only protects high rocks and ice wilderness. In other cases the bill provides only nominal, border-type buffer protection to waterways and other prime wildlife habitat. In either case, the bill fails to provide fish and wildlife with the intact ecosystems that they need to survive.

The proposed Secesh-Payette Crest Wilderness is just one example of the failure of the bill to adequately protect what little area it does designate as wilderness. The Payette National Forest is very important because of the quality of the wilderness, its fish and wildlife values, and its location, within easy access to fully a quarter of the population of Idaho (let alone the outside visitors the area attracts). Conservationists, hunters, anglers and others who enjoy outdoor recreation place a high value on having such a quality wilderness site so close to an urban area. Unfortunately, the bill inexplicably leaves out many areas that should be included in the Secesh-Payette Crest Wilderness. Areas that should be included in the Secesh-Payette Crest Wilderness include the French Creek/Patrick Butte area, the Salmon River Breaks, Rapid River, and Caton, Needles and Secesh Lakes.

Sec. 103. (a)(5) of the bill would designate the French Creek/Patrick Butte area as a "Special Management Area," denying it the wilderness designation that it deserves. The bill states that, "[t]he goal of this management prescription is to improve wildlife and fishery resources while producing timber..." This goal seems analogous to cutting taxes while increasing spending, both relatively good activities but inherently incompatible with each other. Further, the wildlife of the area does not have the capability to survive such 'deficit spending'.

The Salmon River Breaks area contains critical elk habitat and anadromous fish tributaries to the Lower South Fork Salmon River. The rough terrain of this valuable wilderness area makes it relatively inaccessible to any sort of profitable logging, and thus one must wonder what the reasoning was behind denying it wilderness designation.

Rapid River, which contains its own salmon run, salmon hatchery and valuable lower elevation winter habitat, is also excluded from the bill. The River itself already has Wild and Scenic river status, but that protection is of little use to people or wildlife if the watershed of Rapid River is not also given the kind of protection that wilderness designation would provide.

We also draw your attention to the area around Needles Lake, Secesh Lake and Caton Lake, all of which are part of the vital watershed to the South Fork of the Salmon River. Instead of preserving beneficial wilderness values in these lake areas they have been doomed to below cost timber sales on sandy and unstable soils that will result in severe sedimentation in the South Fork of the Salmon River, a critical anadromous fish stream.

We find it appropriate that this bill was named as a "Forest Management Act" rather than a "Wilderness Act." The overall thrust of S. 2055 is so extreme in its favoritism to logging interests that, even though it does have some very worthwhile provisions, we cannot support it. S. 2055 commits the nation's forests to a regime of overcutting and abuse that will lead to water quality impairment, wildlife declines and wilderness destruction. The bill also limits public review that might be used to mitigate some of its more negative impacts. The bill does not promote multiple use, but rather, multiple abuse. It fails to manage for wildlife and recreation, instead managing timber interests with wildlife and recreation squeezed into remaining fringes. Even in areas where recreation is "emphasized" the bill fails to ban destructive timber harvests from taking place. The State of Idaho has been very successful in marketing its wilderness to non-resident tourists, hikers, hunters and anglers. We fail to see the motivation behind sacrificing the potential for growth in the outdoor recreation industry for short term, unsustainable, timber harvests. Further, this testimony is by no means an exhaustive list of the bill's problems. Due to the many failures and faults of S. 2055, we respectfully urge that we all need to go back to the drawing board and redo this bill from the beginning.

Senator McClure. Thank you very much.

Mr. Baird, you too are no stranger to this committee.

STATEMENT OF DENNIS BAIRD, IDAHO WILDLANDS DEFENSE COALITION

Mr. Baird. Unfortunately I am not.

The authors of this legislation have described it as an honest effort at compromise, and honest it truly is. That reflects well on its authors. It was, indeed, an effort, although we would have liked to have seen a little more in some better boundaries and some clearer ones in some cases. Compromise it was not in our opinion. The bill would open 7½, or thereabouts, million acres to development and protects this wilderness—a million and a half or so—hardly fits the word compromise.

The example that comes to my mind is the area I know the best and that's northern Idaho where north of the St. Joe divide there is currently no wilderness on a large forest of 2.7 million acres. And this bill would protect this wilderness around 5 percent. Even if conservation groups got every last acre to the dotted I and the crossed T that we asked for on the Panhandle National Forest, we would still be under 10 percent. And so, the war has been lost, and now we see our reservation under attack.

The boundaries that were drawn in this bill include a small number of very good ones, in which the authors should take pride, and a long list of very bad ones. The south side of Mallard-Larkins is an example I know very well where we have a boundary drawn in the bill which runs along a cliff side at right angles, leaping chasms and so on, a boundary that would be very hard to find and would be totally unenforceable.

On the north we inexplicably saw Snow Peak left out, and Needle Peak, an area which the Forest Service has long endorsed for wilderness was excluded rather mysteriously as well.

The saddest list, though, is the very long list of areas that got left out entirely. And two I know well and lay awake nights worrying about from time to time. Elk Summit is one, an area up on the Lochsa with a tremendous fishery which for 30 years was part of the Selway primitive area. And the Forest Service has endorsed the return of much of Elk Summit to the wilderness. It is left out of your bill, unfortunately.

And lastly, Fish and Hungery Creeks, also north of the Lochsa. The area that contains the last 15 or so miles of the entire Lewis and Clark route that still remains a trail. That area would be open to timber development by your legislation.

The bill also amends NFMA and the Wilderness Act in ways that are disturbing. The guaranteed harvest question, not just for Bonners Ferry, but for the Panhandle Forest as a whole, is disturbing particularly when the plan is under appeal and serious scientific questions exist about what is, indeed, the best harvest level for that forest.

The introduction of C8S language, which originated on the Clearwater, is something that the Panhandle Forest knows nothing of and wouldn't know what to do with it. It's untested language. It is unproven. It may, indeed, be well intended. It might be permanently written into law by this legislation, and that's a risky thing. The Chief suggested it may be temporary. And certainly writing something as untested as that permanently into law can't be considered wise.

That language also denies conservation groups our day in court, and that's a thing I think the Congress ought to think twice before it does. We have appealed the Clearwater plan for good reasons. We question the land suitability of much of that C8S for anything other than being left alone. We have good scientific evidence, which we have not yet been allowed to show the Chief of the Forest Service, let alone the courts. And it is worrisome to see the Congress ruling against us before we have had that day in court.

The bill also writes into law the BOISED sediment model which the Forest Service itself says isn't intended for the uses to which it is to be put by this bill. So, we see a lot of kinds of science here that verge very closely on pseudo-science rather than real science.

This bill sends a long message, which is outlined in my written testimony, a long disturbing message. Some bad things would be said and bad messages would go out to the public.

But I think the worst thing about this bill is that it won't settle things. And Lord knows we need a settlement in Idaho. I grow weary of coming back here two or three times a year wasting my vacation—not wasting, but using my vacation in this wonderful city. We truly need a settlement, and to do that we need a sense from the people of Idaho that we have reached a fair compromise, that no one wins, that everyone wins. And sadly this bill, despite its good intentions—and I recognize they were there on your part and on the Governor's part. We just don't reach that point yet. And it's that public acceptance of a settlement, more than the details of a settlement, which will end the wars in the woods and bring us the peace that we truly need.

Thank you, Senator.

[The prepared statement of Mr. Baird follows:]

TESTIMONY OF DENNIS BAIRD ON BEHALF OF THE IDAHO WILDLANDS DEFENSE COALITION BEFORE THE U.S. SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS CONCERNING S. 2055 (IDAHO FOREST MANAGEMENT ACT OF 1988).

21 JUNE 1988

INTRODUCTION

I am pleased to be able to represent the Idaho Wildlands Defense Coalition at this hearing. The coalition was founded in 1981 in Boise and has as its goal the promotion of sound management of the public lands in Idaho. We have several thousand members, and thanks to their dedication over time have often been able to play a useful role in improving land use decisions. "Improving" is a rather useful word when looking at S. 2055, since it is so filled with dangerous language and unwise boundary descriptions that it sorely needs improvement of all kinds.

This bill has been described by its author as "an honest effort at compromise," a description that deserves some very close scrutiny by the Congress. "Honest" it surely is, for no bill coming from the pen of Sen. Jim McClure has ever been otherwise. "Effort", however, is a harder word to accept. This bill shows numerous signs of hasty research and quick drafting. It writes into law management language that is untested and that is probably un-scientific. Its proposed wilderness boundaries, besides being far too small in most cases, often do not reflect in any way the natural terrain that is to be found on the ground. As a result, this bill would be far better described as "an honest, hasty and quick effort" at writing wilderness legislation for the National Forests of Idaho. The amendments unveiled in Boise on June 15 do nothing at all to correct these fatal flaws.

Nor in any way possible could this be be termed a "compromise." It examines, poorly, some 9.3 million acres of roadless National Forest land. It opens about 7.9 million acres of this often fragile land to some form of development and would classify as Wilderness just 1.4 million acres (or perhaps just a bit more as a result of the changes announced on June 15). Even this classification is tentative, since it is subject to reduction should "roads", as defined by the bill, be found later within the proposed boundaries. No known definition of the word "compromise" could possibly apply when a ratio of 7.9:1.4 is considered. The word is even less applicable when one remembers that some 3-4 million of those 9.3 million roadless acres are without commercial timber values of any kind. What we have here is a bill without balance, a bill that was clearly driven by some ill-considered acreage "cap".

IMBALANCE IN NORTH IDAHO

Nowhere has the vocal conflict between logging employment and wilderness classification been greater than in north Idaho, and on the Idaho Panhandle National Forests in particular. Yet it is on this large forest that the imbalance in S. 2055 is most sadly visible.

As the attached graph clearly shows, even if Congress protected as wilderness *every last acre* being recommended by my coalition, *less than* 10% of the Idaho Panhandle National Forests would be included. That is all the wilderness that there will ever be in north Idaho. The war for the wilderness in north Idaho is in fact over, and the conservation groups lost. What is under assault now by S. 2055 is in fact the reservation, the tiny remnant of remaining wild land. While S. 2055 does generally succeed in drawing reasonable boundaries for Scotchman, Salmo-Priest, and the Selkirks-Long Canyon, is simply dismembers the IPNF portion of Mallard-Larkins. It protects as wilderness only about 5% of the IPNF and apparently views even that as too much, since it is also on the IPNF that the bill adds the worst possible forms of micro-management language and timber harvest guarantees.

AREAS STRANGELY LEFT OUT OF THE BILL

The list of areas of great wilderness value omitted from S. 2055 is so long that it won't even be possible to list them here, let alone comment upon them. Sadly, the authors of this bill have been unwilling to explain in any way just why a certain area, or a portion of an area, was dropped. It can't have been timber values in most cases. The Fish and Hungery Creek Roadless Area, for example, is about 85% burned over and will not have trees really worth cutting for a hundred years or so. In the nearby Elk Summit Roadless Area, also on the Clearwater National Forest, even the Forest Service has made substantial wilderness recommendations. This area contains numerous bogs, seeps, and wet meadows, coupled with frost-churned areas with high water tables--all of which preclude tree regeneration. No, it was not timber extraction that excluded these areas, but probably someone's decision that natural values not withstanding, there was just so much additional acreage that could be tolerated. Sadly, the number for that tolerance level was just 1.4 million acres. Concepts like ecological integrity, enforcable boundaries or even the sheer economic affordability of wilderness appear not even to have entered into the discussions of the authors of S. 2055. Idaho and the nation are all the poorer for that.

Some other wonderful places dropped entirely:

--GRANDMOTHER MOUNTAIN: This is a small roadless area near Clarkia, a veritable island of natural values in a growing sea of clearcuts. Except for one tiny valley, it is all treeless ridgetops. It is heavily used and much-loved. It is not far from several large towns and its wilderness is a rare commodity in its geographic region. None of this seemed to have helped to save it.

--FRENCH CREEK: This long, narrow valley on the north edge of the Payette National Forest has a stream with clear water and great fishing. A successful outfitter operates there, in sight of the clearcuts and muddy streams to the east. Timber development costs will be in the millions for the road network needed here.

--SMOKY MOUNTAINS: This large range of steep, mostly treeless land lies south of the Sawtooths. Much of the view from Galena Summit is within this area as are the very headwaters of the Salmon River. The Smokies offer visitors superb hunting and fishing and have a long history of use by horsemen. Timber values are low to almost non-existent and exclusion of this area from wilderness protection is simply inexplicable.

--OTHER AREAS: What follows is the long, long list of other areas left out of S. 2055. Some may claim that these areas are not condemned, not slated for roads, mud, and timber sales. But those claims are wrong, because someone, somewhere has a plan to do something to almost every acre of wild land in Idaho. Those who say "don't worry", that nothing will happen are, at the least, guilty of self-delusion. The list of the dead or dying: Moose Mtn., Rapid River, Salmon River Breaks, Peace Rock, Red Mountain, Deadwood River, Breadwinner, Danskin, Lime Creek, most of the Boulder-White Clouds, Pahsimeroi Mountains, King Mtn., Lemhi Range, West Bigholes, Diamond Peak, Centennial Mountains, Garns Mtn., half of the Palisades, Caribou, Stump Creek, Cache Crest, Cache Peak, and now apparently even the Trinities. Some of the areas included are to be opened to over snow ORV use, making their classification as "wilderness" dubious at best.

DESTRUCTIVE, DANGEROUS SPECIAL MANAGEMENT LANGUAGE

As bad and as generally illogical are the wilderness boundaries proposed by S. 2055, those problems are nearly dwarfed by the range of special, micro-management language inserted into law--often permanently--by this legislation. While some of this language concerns the Payette National Forest and the Salmon River's South Fork, the worst of it applies only in north Idaho.

Guaranteed annual timber harvest (Bonners Ferry): In an effort to obtain 3.5 MMBF of timber, *on a permanent basis,* for sawmills in this area, *all laws* (not just those strictly pertaining to forestry) are repealed and the Forest Service is directed to obtain this sale quantity from grizzly habitat. In addition, not withstanding disease, budget changes or the discovery of new knowledge, the Forest Service is ordered for at least ten years to sell no less than 40.5 MMBF of other timber in the same geographic area--a level in excess of what the Idaho Panhandle N.F. Plan (which is itself under appeal) believed could be found. This language is simply that of the

Tongass N.F., and has been shown there to be economically and biologically flawed. S. 2055 merely moves destructive language from Alaska south to Idaho.

Guaranteed harvest level for the IPNF: The bill fixes, for at least a decade, a minimum harvest level for the Idaho Panhandle National Forests of at least 283.5 MMBF. Again, this number is locked into law, independent of budgets, bugs, new knowledge, and possible changes in public or Congressional sentiment. It is a number higher than historical average sell levels, higher than any level at which this forest has ever been funded, and is unsound biologically. This locking of harvest levels also means that the on-going appeal of the final IPNF PLan by conservation groups is rendered moot, even before we have had the appeal heard by the Chief of the Forest Service, let alone by the Courts. This is biological folly and the introduction of pseudo-science at a high level, and would render meaningless the role of NFMA in forest planning in north Idaho. The north Idaho chapter of the Society of American Foresters strongly opposes this awful language, warning that Congress can order trees to grow but can't *make* them grow.

C8S language for the Mallard-Larkins region: S.2055, on a *permanent* basis, orders a form of unproven and vague land management called "C8S" (which originated with the final land use plan for the Clearwater National Forest--also under appeal by the Sierra Club Legal Defense Fund). With few exceptions, this language is applied to lands that belong inside the Mallard-Larkins Wilderness. In the case of the land along the St. Joe River SE of Needle Peak, it is even applies to land that the Forest Service believes should be inside the Wilderness. C8S is a concept wholly unproven either on the ground or even in any form of computer simulation. Its goal appears to be to have some timber harvest and still maintain higher than normal fish and game populations. The problem is that no one knows how, or if, it will work. The concept is not even understood by the staff of the Panhandle National Forests, since it was invented wholly out of the blue by the timber staff of the adjacent Clearwater Forest. C8S language will still build roads of quite normal size and impact, does not reduce road densities (which, open or not, are increasingly being shown to harm the elk genetic pool) and in no way changes the general water quality language of the Clearwater NF plan. This language allows *any* water quality standard to be "temporarily" relaxed for periods of up to ten years. C8S language also rules as "suitable" for timber harvest thousands of acres of forest land that research done by the appellants in the Clearwater Plan has shown to be probably unsuitable for anything except for being left alone. Adoption of this permanent C8S language by the Senate thus once again means that appellants have been denied their day in court even before the date for a scientific review has been fixed.In short, adoption of this language means that unscientific, unproven, micro-management language for forest management would be placed permanently into law.

BOISED and the South Fork Salmon River: S. 2055 writes permanently into law language that (1) fails to provide for an *improvement* in water quality in this highly damaged stream system and that (2) stipulates use of an inappropriate sediment model for computing annual and site specific sediment yields. As a result, the South Fork is condemned to perpetual mediocrity and the Forest Service would be ordered to unscientifically and permanently use sediment modelling methods that its own documentation explicity says won't work. In addition, pseudo-scientific, unproven elk management language is applied, again permanently and in the statute, to the nearby French Creek drainage. In fact, virtually all that is missing from S.2055's bizarre swat at the South Fork and the Payette N.F. is some discussion of the need to apply "scientific" creationism to the area--and that weird thought will probably yet surface. This, plus language about sediment sucking, simply flies in the face of all sound scientific study about the South Fork. Genuine science has argued (see, for example, Russ Thurow's superb 1987 detailed study of the South Fork's fishery) that what the South Fork really needs is *no new sediment* for many years into the future. Fixing levels forever at their current level, as does S. 2055, clearly means harm to the South Fork's anadromous runs and provides a legal insult to Indian fishing rights in the area.

LOTS OF WEIRD, UNLOCATABLE BOUNDARIES ARE INCLUDED

There are at least a couple of good ways to draw the boundaries for a wilderness area. The best--and one too seldom used--is to try to include within the boundary something ecologically intact. The boundary for the Frank Church-River of No Return Wilderness, comes close to this goal. In the areas considered by S. 2055, the proposed Salmo-Priest additions also are well thought out, and those for the Boulder-White Clouds *could* have been made ecologically sound, but naturally weren't. Most, although not all, of the other Idaho roadless areas have been compromised in some way or another, making it quite hard to use this method. Unfortunately, no one even seems to have tried.

Another approach to boundary drawing might be to use economic constraints, excluding, for example, areas with very high timber values (even though there is no law against putting an occasional tree inside a wilderness). Amazingly, this method too was generally not used by the authors of S. 2055. Large roadless tracts, without ORV conflicts, without trees, and even without minerals, were left out. Two of the biggest of this type of exclusion are the roadless areas along the north and southeast corners of the Great Burn proposed wilderness.

Lastly, wilderness boundaries might best be drawn so that land managers and the public could find them. This means putting them along rivers, roads and trails. Enforcement is also made easier in this case.

A prime example in this bill of the calculated avoidance of all three approaches to wilderness boundary drawing comes when one examines the Mallard-Larkins area.

Here, a perfectly logical USFS recommended boundary in the NE corner near Needle Peak was rejected in favor of one far to the south, a boundary that follows nothing on the ground. On June 15, this was apparently changed a bit, putting it "near", but naturally not *along* the St. Joe River. The south boundary of Mallard-Larkins near the Aquarius Ranger Station is high above the North Fork Road. It runs on straight section lines, leaping canyons, cliffs and canyons with abandon. Given nearly unlimited surveying help (and money) it might prove possible to find this boundary, but it will never be possible to mark and enforce it. A similar straight line boundary wraps around the head of Isabella Creek, running at right angles along the unclimable cliffs of Isabella Point. On the north, the treeless slopes of Snow Peak got left out as did the burned over mixed ownership land in Buck Creek. Including this area (and the private landowner, the BN Railroad, strongly supports inclusion) would have put the boundary right along the road near Bathtub Mountain--right where it could be located and marked.

ANY PARALLEL TRACK IS A ROAD

"Roads", as defined by Congress historically during the discussion of wilderness lands, have always been constructed and usable by normal vehicles. In a way that renders most of its alleged wilderness designations meaningless, S. 2055 instructs the USFS to locate and delete from wilderness all visible "parallel tracks" that a four wheel drive vehicle can traverse. This means that in effect, one vehicle, traversing *any* area during *this* summer, can create a "visible" track that would render *any* area disqualified for wilderness designation--and we would't even know where these places were for the 2-3 years it would take the Forest Service to locate such tracks. This language is a total reversal of years of Congressional understanding about roads. It is also an invitation for anyone to illegally create new visible tracks this summer or any other time. It also means that the already quite strange boundaries for wilderness described by this bill would soon become stranger still. They would, in the end, resemble a giant spider web rather than anything sound or genuine. Can this be the type of wilderness system that the Senate really intends to create?

THE WILDERNESS ACT GETS GUTTED

This bill, in language that would be permanently applied to both new wilderness in Idaho as well as to *existing* wilderness, effectively guts the Wilderness Act in several significant ways. Certain outfitting practices, which even most outfitters agree need to be reduced and probably slowly phased out, are grandfathered in forever. In addition, the current powers of the Forest Service to best manage wilderness airstrips, would be virtually eliminated. The bill makes little allowance for future needs and desires in either area, or few future improvement in scientific knowledge.

HIKERS AND HORSEMEN COULD BE ARRESTED

This legislation, apparently for the very first time in the history of our nation, would prohibit any foot or horse use of certain trails--even though these uses are of course the "historical" use of virtually all trails in the West. These trails would be turned over to the exclusive use of trails bikes, ATV's, toy tanks, etc. The bill is silent on what recourse would be offered to a mechanized user whose machine died on such a trail. It is clear that the user couldn't walk out for help, because it would be *illegal* to walk on such a trail for any purpose.

Would the user have to wait for a tow? What if he had to wait for a week or so? The mind boggles at the absurdities brought about by such language as is included for trails in S. 2055.

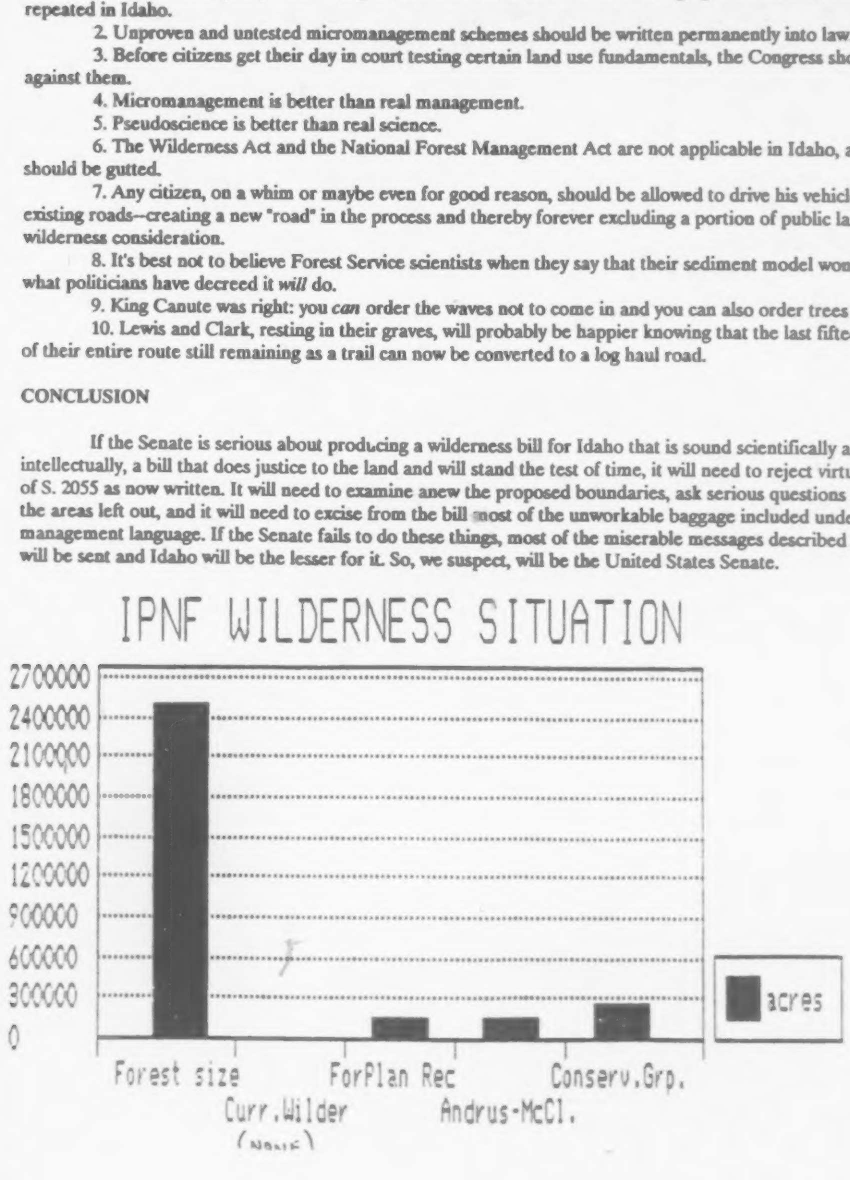
THIS BILL SENDS A SAD MESSAGE

If the U.S. Senate approves this bill in any form even faintly resembling that of its introduction, it will, in our opinion, have sent a rather troubling message out to the owners of our public lands. That is that:

1. Government policy on the Tongass National Forest has been such a raging success that it should be repeated in Idaho.
2. Unproven and untested micromanagement schemes should be written permanently into law.
3. Before citizens get their day in court testing certain land use fundamentals, the Congress should rule against them.
4. Micromanagement is better than real management.
5. Pseudoscience is better than real science.
6. The Wilderness Act and the National Forest Management Act are not applicable in Idaho, and should be gutted.
7. Any citizen, on a whim or maybe even for good reason, should be allowed to drive his vehicle off existing roads--creating a new "road" in the process and thereby forever excluding a portion of public land from wilderness consideration.
8. It's best not to believe Forest Service scientists when they say that their sediment model won't do what politicians have decreed it *will* do.
9. King Canute was right: you *can* order the waves not to come in and you can also order trees to grow.
10. Lewis and Clark, resting in their graves, will probably be happier knowing that the last fifteen miles of their entire route still remaining as a trail can now be converted to a log haul road.

CONCLUSION

If the Senate is serious about producing a wilderness bill for Idaho that is sound scientifically and intellectually, a bill that does justice to the land and will stand the test of time, it will need to reject virtually all of S. 2055 as now written. It will need to examine anew the proposed boundaries, ask serious questions about the areas left out, and it will need to excise from the bill most of the unworkable baggage included under special management language. If the Senate fails to do these things, most of the miserable messages described above will be sent and Idaho will be the lesser for it. So, we suspect, will be the United States Senate.



Senator McClure. You sound like the forest industry right now.

Mr. Baird. I side with them more often than you think.

Senator McClure. They want peace too in exactly the same way you do I suspect. They want you to surrender. [Laughter.]

Mr. Baird. No, sir. Surrender is not involved here.

Senator McClure. I understand that.

No stranger to our committee, Tom Robinson.

STATEMENT OF TOM ROBINSON, IDAHO REGIONAL DIRECTOR, THE WILDERNESS SOCIETY

Mr. Robinson. Thank you, Senator. Once again, I will summarize as well, and I've also crossed out half of my oral statement. So, I will try to be brief.

The Wilderness Society views S. 2055 as a serious threat to the integrity of the Wilderness Act and the National Forest Management Act. I never thought that I would be up here repeating what the Forest Service has said, but here we are.

This subcommittee has worked very hard in passing the National Forest Management Act. Implementation of the NFMA is still in its infant stage. Although The Wilderness Society often disagrees with the Forest Service management direction, we do believe that the public process initiated by the NFMA is sound.

S. 2055 would undermine this process by legislating controversial language just as it is being challenged by citizens groups on all sides of the issue. S. 2055 also eliminates the administrative discretion and authority of the Forest Service, two very important components of the NFMA.

Most importantly, the special management provisions in this bill constitute hard release of important roadless areas prior to the completion of forest plans. Although this bill does not contain classic hard release language that this subcommittee has rejected, the end result is exactly the same. The Wilderness Society believes that this subcommittee should reject this concept once again.

I won't dwell on the Bonners Ferry special management area since it has been covered. However, the authors including yourself claim that additional timber must be offered in order to make up for Long Canyon being designated as wilderness. The Forest Service analysis does not support this claim. We believe that Long Canyon, the last intact drainage in the Selkirk Mountains, can be preserved without having anything other than a positive impact on local communities.

The most important aspect of the south fork special management area is that timber harvest would be allowed on the steep slopes and tributaries of the south fork. As inadequate as it may have been, the Forest Service's approach to the management of the south fork is better than that proposed in this bill. The final Payette plan calls for at least some marginal improvement in the fishery habitat. The mandate here is to maintain the river in its current degraded condition. What is worse is that this bill directs that the Forest Service rely on unproven and ineffective mitigation and predictive techniques. What mitigation is done will be done after the fact. In the case of this river, this is too late.

The success of the special management area is completely dependent on the accuracy of a sediment model, the BOISED, which incidentally is spelled wrong in the bill, which I have shown in my detailed testimony is inappropriately used in S. 2055 based on Forest Service memos and reports. There is absolutely no room for error in the management of what is perhaps the most important fragile drainage in the Western United States.

When taken together, the many provisions in this bill constitute a direct assault on the foundation of the Wilderness Act as we see it. They relegate the small amount of wilderness that is designated in this bill to second class status when compared to the rest of the system. In addition, the small amount of wilderness that is designated cannot be adequately managed because in many instances, the Secretary's authority is either diminished or eliminated.

This bill would seriously undermine much of the hard work that this subcommittee has done in the past. The Wilderness Act has become one of the most popular pieces of legislation in the Nation. The NFMA should be allowed to be implemented without obstruction.

We urge this subcommittee to oppose S. 2055 as it is currently written. Thank you.

[The prepared statement of Mr. Robinson follows:]

THE WILDERNESS SOCIETY

INTERMOUNTAIN REGION

STATEMENT OF THE WILDERNESS SOCIETY ON S.2055, THE IDAHO FOREST MANAGEMENT ACT, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, U.S. SENATE, June 21, 1988.

Mr. Chairman, I am Tom Robinson, Idaho Regional Director of The Wilderness Society. I am pleased to have this opportunity to appear before you on behalf of the Society's 212,000 members nationwide and 1,000 members in Idaho.

The Wilderness Society views S.2055 as a serious threat to the integrity of the Wilderness Act and the National Forest Management Act. During field hearings on this bill, Ernest Day, our Council member from Idaho, submitted testimony which primarily addressed wilderness allocation. My testimony today will focus on the many special management areas and miscellaneous provisions which the Society is most concerned with.

The Subcommittee worked very hard in passing the National Forest Management Act (NFMA). Implementation of the NFMA is still in its infant stage. Although The Wilderness Society often disagrees with Forest Service management direction, we do believe that the public process initiated by the NFMA is sound.

S.2055 would undermine this process by legislating controversial language as it is being challenged by citizen groups. S.2055 also eliminates administrative discretion and authority, two very important components of the NFMA.

Most importantly, the following special management provisions would "hard release" important roadless areas prior to the completion of forest plans. Although this bill does not contain classic hard release language that this Subcommittee has rejected, the end result is exactly the same. The Wilderness Society believes this Subcommittee should reject this concept once again.

S.2055 mandates development in some of our nation's finest wildland. By doing so, it gives the sanction of law to the cutting of below-cost timber. The Wilderness Society's economic studies as well as studies conducted by the Congressional Research Service and the General Accounting Office show that the national forests in Idaho continue to lose money. In fact, the GAO released a study this past February which showed that during the years 1985 and 1986, over 40

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percent of the timber sales in Idaho were offered for sale at amounts less than the GAO's calculation of the tract value. The resulting loss to the Treasury was 14.6 million dollars. The leading money losers were the Panhandle, the Clearwater, the Payette, and the Boise National Forests. Interestingly, these are the very same forests that are being subjected to hard release special management in S.2055.

The Forest Service is already losing money on its most productive growing sites. The areas that would be hard released for timber harvest and road building in S.2055 would be more difficult to access and contain lower quality timber stands. Thus, the Forest Service will lose more money than ever.

Special Management Areas

Panhandle National Forests: I will begin with the Bonners Ferry Special Management Area located in the Idaho Panhandle National Forests. S.2055 would mandate that 3.5 MMBF of timber be offered by the Panhandle NF per year over and above what the agency professionals have recommended in their forest plan. This is to be done "notwithstanding any other provision of law." In addition, the allowable sales quantity for the entire Panhandle National Forests is to be set at 283 MMBF per year. It should not be the role of Congress to be determining permanent allowable sales quantities on national forests. This is an administrative function that requires professional expertise and flexibility over time.

This language sounds remarkably similar to section 705 of the Alaska Lands Act. In fact, the stated objectives are quite similar; to help maintain community stability. This concept has failed on the Tongass and it will fail in Idaho.

The authors of S.2055 claim that the additional timber must be offered in order to make up for Long Canyon being designated as wilderness. Forest Service analysis does not support this claim. The agency shows that only 32 MMBF is needed per year to supply local mills. In fact, 37 MMBF, the forest plan recommended figure, is the maximum that can be offered without violating Forest Service guidelines.

We believe that Long Canyon, the last intact drainage in the Selkirk Mountains, can be preserved without having anything other than a positive impact on local communities.

Clearwater National Forest: There are several special management areas on the Clearwater National Forest that would be managed permanently as "C8S" areas as described in the Clearwater National Forest Plan. The following is our analysis of this management prescription:

What "C8S" MANAGEMENT IS SUPPOSED TO ACCOMPLISH

C8S is a management prescription proposed by the Clearwater

National Forest. These areas are supposed to be managed to maintain high quality wildlife and fishery objectives while producing timber from productive timber lands. The following are some of the prescriptions.

* No timber re-entry into elk analysis areas within 10 years.
* Only one sale within elk analysis area ongoing at any one time.
* Provide security habitat adjacent to harvest area.
* Meet stream habitat objectives.
* Prohibit public use of motorized vehicles of all new roads except snowmobiles. (Clearwater Forest final plan pg. III-53).

WHY "C8S" WILL NOT PROTECT WILDLIFE, FISHERY, AND WATERSHED VALUES

The areas proposed by Senator McClure for permanent C8S designation on the Panhandle and Clearwater Forests are Foehl Creek, Minnesaka Creek, and Skull Creek. These areas all have:

* Soils upon which the Forest Service has not been able to document successful reforestation within 5 years.
* Soils with high erosion and mass wasting potential.
* Streams with Forest Service-assigned water quality standards which violate state and federal laws.

These areas all have high value cutthroat trout fisheries. The management standards for these streams allow up to 20% degradation of habitat, and even this weak standard may be exceeded for 10 out of 30 years. Sediment increases of 45 to 110% over natural sediment levels are allowed.

The EPA, in commenting on the Clearwater plan, stated that a 20% degradation of habitat was too much for critical fish species such as cutthroat trout. EPA urged that the "threshold of effect" of sedimentation never be exceeded for critical species. The state of Idaho once went on record characterizing 20% degradation as "unquestionably a major injury" to fishery habitat.

Closing roads to public access to protect big game security sounds good on paper, but there are many on-the-ground problems to such a management approach.

Closing roads to public access will not mitigate continuing erosion problems. The roads will be in place, contributing tons of sediment annually to streams. Standard road closures on national forests rarely successfully prevent all access to an areas. Roads, even closed ones, still constitute a "trailhead effect" which allows easier access via foot, horseback, or ORV into areas which provided elk security cover. There is no question that the sanctuary for elk provided by these areas will be degraded.

Payette National Forest: The French Creek Special Management Area is given similar treatment to those areas on the

Clearwater National Forest. Except for the provision to close new roads constructed for timber harvesting to public motorized use, every one of the so-called "special management" provisions for French Creek are nothing more than standard management guidelines applied forest wide across the Payette National Forest under the forest's draft plan.

In other words, why bother with a "special management area" designation when the area would be managed with the same provisions included in S.2055 under the Payette forest plan? Examples are:

* "Fish habitat and water quality within the area shall be maintained or improved" (S.2055)
"...water quality will meet or exceed existing conditions." (Payette draft plan, pg. IV-7)

* "Management activities shall be concentrated within the smallest possible area and shortest period of time practical for the completion of each project..." (S.2055)
"Concentrate management activities within the smallest possible area and the shortest period of time practical for the completion of each project." (Draft plan, pg. IV-33)

* "Logging shall not occur simultaneously on adjacent timber sale areas." (S.2055)
"Avoid simultaneous logging of adjacent timber sale areas..." (Draft plan, pg.IV-32)

* "Ecotones shall be created in timber sale units by unit design and by interspersing successional stages." (S.2055)
"Diversity should be emphasized and accomplished by creating ecotones in timber sale units by unit design and by interspersing successional stages." (Draft plan, pg. IV-32)

* "Big game wallows and licks identified as key habitat...shall be protected from disturbance and hiding cover shall be maintained immediately adjacent thereto. No timber harvest of any kind shall occur near wallows or licks during "the rut." (S.2055)
"Active big game wallows and licks, identified...as key habitat, should be protected from disturbance... Sanitation/salvage timber harvest may be permitted if activities do not occur during the "rut" and elk hiding cover is maintained." (Draft plan, pg. IV-31)

* "Timber harvest shall not occur in calving and fawning areas, ...between May 1 and July 1, or any time when such areas are being used by big game for such proposes." (S.2055)
"Calving and fawning areas should be protected from disturbance during the period of time they are used... The elk calving period usually occurs between May 1 and July 15. (Notice that under S.2055, elk lose about two weeks of

undisturbed calving time)." (Draft plan, pg. IV-31)

* "Big game hiding and thermal cover shall be provided around a minimum of 50% of the perimeter of meadows greater than five acres where existing conditions make this viable. Cover areas shall be no less than two elk site distances wide and contain no less than a ten acre stand." (S.2055)

"Big game hiding or thermal cover should be provided around 50% of the perimeter of meadows greater than 5 acres where existing conditions make this viable. Cover areas should be a least two site distances wide and contain a 10 acre stand." (Draft plan, pg. IV-32)

South Fork of the Salmon River: The most important aspect of the South Fork Special Management Area is that timber harvest would be allowed on the steep slopes and tributaries of the South Fork. The spectacular South Fork of the Salmon River drainage, located within the Boise and Payette National Forests, was once known around the world for its abundant population of wild summer Chinook salmon and steelhead. At one time, this drainage was responsible for 55% of all spawning habitat for summer Chinook salmon in the entire Columbia River drainage. People used to line up along the banks to fish for these rare fish. In fact, wild summer Chinook salmon runs are now endangered in Idaho.

During the 1960's, Forest Service road building and timber sales in this fragile drainage resulted in mass erosion of the steep slopes. This resulted in what is commonly referred to as a "blowout" on the slopes of the river. There has been so much sediment deposited in the South Fork during the last 20 years that the salmon fishery has been reduced by 97% while its spawning habitat has been reduced by 45%.

The steep slopes surrounding the South Fork are made up of what is known as the"Idaho Batholith." The soil structure is extremely sandy and erosive. Batholithic soils are considered to be physically unsuitable for road building and logging. The steeper the slopes, the worse it is. The South Fork drainage represents a worse case scenario. Only a complete moratorium on development activities in this drainage will allow this magnificent river to return to its once healthy state.

As inadequate as it may have been, the Forest Service's approach to management of the South Fork Salmon River is better than that proposed by S.2055. The old South Fork Unit Plan, prepared by the Forest Service, directed that the agency "maintain and improve" the degraded fishery habitat of the South Fork. The final Payette Forest Plan calls for at least some marginal improvement in the fishery habitat. S.2055, however, only calls for no net sediment increases. The amount of sediment dumped into the river by timber harvesting and road construction must be mitigated. However, there is no mention of ever allowing the South Fork to recover to its once productive state. The mandate of S.2055 is to maintain the river in its current degraded condition.

What is even worse is that S.2055 directs that the Forest Service rely on unproven and ineffective mitigation and predictive techniques. (See following section) What mitigation is done will be done after the fact. In the case of the South Fork Salmon, this is too late. Thus, we cannot even be sure that the river will be maintained in its current degraded condition.

The Inappropriate use of the BOISED Sediment Model in S.2055

S.2055 calls for the use of the Forest Service's BOISED sediment model for the predictions of sediment amounts resulting from timber harvesting and other activities in the South Fork Salmon River drainage. Yet the Forest Service itself admits that BOISED was not designed to make such predictions.

S.2055 states:

* "mitigation shall occur by removal of deposited sediment...in an amount equal to, in volume, the total amount of the sediment...as a result of commercial activity...predicted by the BOISET (sic) sedimentation model..."

* "the Secretary shall monitor sedimentation...if such monitoring shows that commercial activity...is resulting in sediment deposits...which are materially and consequentially in excess of that predicted by the BOISET (sic) sedimentation model...such commercial activity will cease."

The Forest Service says:

* "It is still inappropriate to use BOISED output as highly reliable predictions of absolute quantities of sediment delivered to streams at specific times." (Boise N.F. hydrologist memo, May 2, 1988)

* "The most appropriate use of BOISED is for developing a quantitative index of the cumulative sediment yield from different alternative management proposals within a watershed." (May 2 memo)

S.2055 also calls for the use of the BOISED model for designing mitigation measures. Yet Forest Service documentation states:

* "It is not desirable to use the BOISED computer program to design projects and mitigation treatments." (Draft User's Guide for BOISED, May 1986)

* "In addition, the BOISED program does not calculate sediment generated off the site of an activity (such as below roads) but resulting from the activity...An example of this situation would be the gully development below relief culverts that might result from the increase in runoff efficiency of a newly paved road." (User's Guide for BOISED)

BOISED was only designed to be used as a tool to aid in developing a quantitative index of the cumulative sediment yields from different management proposals within a watershed, not as a tool to predict absolute sediment amounts resulting from land disturbing activities.

Sediment yields in BOISED are expressed only in terms of average annual yields, and do not reflect major storm events like the one that devastated the South Fork over 20 years ago.

BOISED does not consider the sedimentation from mass erosion generated from clearcutting. Only mass erosion from road construction has been separately calculated and included in BOISED.

BOISED uses sediment deposition threshold values to use as primary indicators of stream damage. These thresholds represent a "warning" that stream damage is likely to occur. Yet these values have not yet been verified with field data for the Boise or Payette National Forests. The User's Guide for BOISED warns that "significant damage to aquatic habitat from sediment deposition may occur prior to reaching the depositional threshold." In other words, since the threshold values have not yet been determined for the site specific conditions of the Payette and Boise National Forests, significant damage could occur to the streams before the generic depositional thresholds used in BOISED (which were derived from the Clearwater National Forest) were reached.

Given the fact that the South Fork Salmon River drainage is naturally very erosive, and that little baseline data exists which documents the current sedimentation conditions in the drainages, it will be nearly impossible to correlate excess sedimentation with a particular commercial activity, as suggested in S.2055. Again, BOISED was simply not designed to predict or mitigate for specific amounts of sediment.

Lime Creek and Smokies Special Management Areas: For the first time ever, Congress would be legislating off-road vehicle play areas on fragile public lands. This is what S.2055 would direct in these two special management areas. Hikers would literally be banned from trails where off-road vehicles are allowed. In addition, no new trail construction of any kind will be allowed in these areas. The Secretary's management discretion is virtually eliminated by S.2055.

It is almost impossible to imagine how these areas will be implemented. The use of off-road vehicles may have a place on some portion of our public lands where activities can be closely monitored and resource damage is not occurring. Off-road vehicle use should not be given the permanent sanction of law in fragile wildland areas where there has been a long history of resource abuse and where activities cannot be closely monitored.

Miscellaneous Provisions

When taken together, the many miscellaneous provisions in this bill not only constitute a direct assault on the very foundation of the Wilderness Act, they relegate the small amount of wilderness that is designated in this bill to second class status when compared to the rest of the system.

Helicopter Access: There are numerous provisions where helicopters are allowed in newly designated wilderness. Not only is the Secretary to allow the continuation of helicopter skiing in the Palisades, he may allow expansion as well. Sec. 102(a)).

Helicopter access is also allowed for State fish and wildlife purposes. One can only assume that the State would be allowed to manipulate wildlife populations, an activity currently prohibited in wilderness. This section is vague and thus seems to allow for almost anything. The Forest Service is also allowed to use helicopters for the servicing of sanitary facilities (Sec. 302(d)).

Grazing: Section 301 constitutes an expansion of grazing privileges within wilderness. Federal grazing allotments are privileges, not rights. According to the language in this section, existing grazing practices and allotments would be inviolate. The Forest Service would be unable to deal with resource conflicts or impacts that may develop.

In addition, there is no mention of predator control in either the Wilderness Act or the Colorado Wilderness Act House report. The language in S.2055 would mandate predator control whether or not a permittee is still in business.

State Water Allocation Authority: Section 302(a) is an express denial of any reservation of water rights for any purpose by the Wilderness Act, this Act nor any other legislation designating lands as wilderness in Idaho. The Wilderness Society does not believe there is any need to change current law with respect to wilderness water rights. Our legal system has long recognized that the reservations of federal land implies that enough water must be reserved from unappropriated sources to ensure that the purposes for which the reservation was created in the first place can be carried out. This is certainly true for wilderness areas where watershed protection for fish reproduction and fishing, biological diversity and scientific study are some of the primary purposes. In addition, grazing, downstream agriculture and municipalities all benefit from wilderness water protection.

Section 302(c) would allow motorized access and road maintenance by local municipalities for the maintenance of current or future watershed facilities within wilderness. This is very similar to language included in the Utah Wilderness bill. However, in Utah, the language was specific to areas and need. In addition, Committee Report language specifically stated that this would not be an exception to the Wilderness Act. The language in S.2055 is broad based and does not appear to be based on real need if this were even appropriate.

Prohibition of Buffer Zones: Section 303 essentially prohibits compatible management on lands adjacent to wilderness. This includes new, existing, and future wilderness areas in Idaho. This provision could prevent the Forest Service from managing adjacent lands as roadless if roadless management were to be interpreted as providing a buffer to wilderness. This is simply another disguised version of "hard release" and should once again be rejected.

Landing of Aircraft: Section 305 eliminates the Secretary's authority to close wilderness airstrips in new as well as existing wilderness areas regardless of whether there are good reasons to do so. In fact, the Secretary is required to maintain all existing strips. While backcountry airstrips have been grandfathered in Alaska wilderness areas as well as the large Frank Church River of No Return and Selway-Bitterroot Wildernesses, such provisions were based on a long history of use and need. This is not necessarily true for new and much smaller areas.Even in the case of the Frank Church River of No Return Wilderness and the Selway-Bitterroot Wilderness, the Secretary is allowed to close strips if he deems it is necessary.

Outfitted Camps: Section 308 allows the continuation of outfitter and guide practices within new and existing wilderness areas. This includes equipment caches, campsites, tent platforms, shelters, and water impoundment facilities. The Secretary's management discretion is once again taken away. In fact, the Secretary is required to seek concurrence with the Idaho Outfitters and Guides Board before he attempts to regulate activities. Once again, Idaho wilderness areas would be managed differently from wilderness areas in other states thus ensuring inconsistency in Forest Service management policies and regulations.

Roads: Section 309(a) is poorly written, vague, and potentially dangerous. It describes what most people including the Forest Service and the Bureau of Land Management would consider to be a primitive way and defines it as a road. It then mandates that a 100 foot corridor be eliminated from newly designated wilderness areas where these so called roads are found. Many of these ways were formed as a result of old mining activities as well as by off-road vehicles. There are many of these within Idaho and across the west. If this section were to apply nationally, we would lose thousands of acres from our wilderness system. It will no doubt have a major impact on the small amount of wilderness that would be designated in Idaho if S.2055 were to pass.

Mr. Chairman, S.2055 would seriously undermine much of the hard work that this Subcommittee has done in the past. The Wilderness Act was hard won and has become one of the most popular pieces of legislation in the nation. The NFMA was also hard won and should be allowed to be implemented without obstruction. The Wilderness Society urges this Subcommittee to oppose S.2055 as it is currently written. Thank you for this opportunity to testify.

Senator McClure. Thank you.

I'll be very brief in my questions. We have two more panels to hear before the end of this hearing. And I know that other Senators, as well as myself, have other obligations to meet later on this morning and during the noon hour.

I do want to make this comment, however. Several of you have mentioned the water language, and I am more than a little concerned that the implication is, as I indicated earlier, that this language somehow subtracts something. As I said earlier in response to a question from Senator Bumpers, the only way in which it affects anything that might be deemed to be vested rights would be if, indeed, there are vested rights under the theory of the *Sierra Club* v. *Block,* which incidentally is sustained in one district court and denied in another. So, that's unsettled law at the present time. But other than that possibility, it doesn't subtract anything.

Now, if we want to get into the area of talking about, well, it's going to be designated as wilderness and therefore it ought to carry with it whatever is necessary for wilderness, that's another question.

My own approach to that question has been that Congress ought to decide. Congress ought to decide whether or not that's a resource allocation that this Congress wants to make while they're making the allocation of the other resources in that area. And I am not going to quarrel with any other State or the delegations from another State that wish to make a different kind of an allocation of water resources. But I'll tell you for arid southern Idaho, there will be no wilderness bill in Idaho that arrogates to the Federal Government additional authority over water. It's just that simple.

Now, you're going to have to make up your mind whether you want a wilderness bill in Idaho or whether you want to have this language. You're not going to have one without the other as far as this Senator is concerned. We don't have to have a wilderness bill, and I understand that for some of you that is a perfectly adequate solution. And then, Mr. Baird, you can make many trips back here in the future as well as to various courts of several different jurisdictions over the next several years as those issues are litigated. I hate for you to have to give up all your vacations because I know you would much rather be out backpacking, as perhaps would I. But here we are trying to solve that problem.

All I wish is that for myself to indicate that so far as we have been able to determine with respect to the wilderness areas in Idaho, the allocations that they have now with respect to reserved rights is adequate to the needs of the wilderness—the reserved rights under the existing law with respect to the reservation of the public lands into the forest system.

Mr. Greenwalt, I'm a little concerned about your statement on the south fork fisheries. I certainly agree with you that the south fork fisheries are very, very important. But I think all of us would recognize—I think it is correct—that habitat on the south fork is not the limiting factor for those fisheries at this time. The limiting factor is the dams downstream. Is that not correct?

Mr. Greenwalt. I think there is no question about that.

Senator McClure. And we have more habitat in the south fork than we have fish returning to it.

Mr. Greenwalt. That's absolutely correct. And you and I in my previous incarnation dealt with that problem. And I think it may be a long ways from resolution on that score.

Senator McClure. And we're still dealing with it. We are still trying to pry some money loose from OMB and Mr. Miller's steady grasp—you know, I was going to describe it in less flattering terms than that—because he and the Corps of Engineers don't want to spend the money for the fish passage facilities at those dams downstream. And I am determined that we should.

I want to say to each of the witnesses that have testified with respect to the sedimentation question it is not the intention of either the Governor or myself that we merely maintain the status quo on the south fork. We're just saying that the improvement of the watershed is not the sole responsibility of the timber industry. Some would try to make it that, and they're not the sole contributor. As a matter of fact, 80 percent or better than 80 percent of the sedimentation on the south fork comes from nonhuman activities. It is naturally occurring. Only about 20 percent or less occurs because of human activities.

I am as dedicated as any of you are to trying to improve the south fork. And I have tried by my actions, not just my words, to demonstrate that by increasing the amount of money that goes through the appropriations process for improvement efforts. But if we're going to get that stream back above its current levels, which I think we must do, we're going to have to not only appropriate money, we're going to have to ask you folks to accept some practices that I suspect some of you don't want to accept. And that's manipulation of the stream bed. The stream bed will not naturally improve beyond its current level. It is somewhat stabilized today. I think that's correct as a scientific matter. And if we want to remove those fine sediments that are now embedded in those gravels, we're going to have to manipulate that stream bed to get those sediments out of there. Now, how much of that we can do I don't know. But I do know this. It will be controversial because it will be human manipulation of the gravels in the stream bed.

And I think there are some things we can do there. We're trying to get money in to buy the Reed Ranch. We are trying to get the Forest Service and the property owner together so we can do that. And we can reestablish the stream flow on the Oxbow. And I would hope that when we do, that we will also be able to enhance that section of the stream bed for an improved and enhanced fishery habitat on the south fork. But that is something that you're not going to get out of the pockets of timber operators. That's going to have to be additional money which I will work with you to attempt to get.

Mr. Berle, you mentioned that somehow Tongass slipped into ANILCA at the last minute. I was under the impression at the time that if that hadn't gotten in there, there would have been no ANILCA.

So, it may well be that it is somewhat analogous to the situation we have with respect to Long Canyon and the Bonners Ferry ranger district. You have suggested you don't like the proscriptive language on the Bonners Ferry ranger district, and I understand that. A good many people do not. I don't particularly like it either.

But would you rather that we exclude that proscriptive language and also exclude Long Canyon from wilderness designation?

Mr. BERLE. Obviously, given that kind of a choice, Senator, you are putting me between a rock and a hard place.

Senator McCLURE. That's where I am.

Mr. BERLE. Of course. And I am suggesting that there are other ways of dealing with this than the mandated cut, and we would be prepared to submit further material to you.

Senator McCLURE. Well, I would certainly welcome any idea of how you deal with it other than a mandated cut because we have been searching for other ways, and we have not found them.

I am concerned about the definition of a road. Mr. Berle, you had in your testimony I think on page 5 some criticism. You said, "The language providing for ORV use, airstrips and road preservation in wilderness areas." Is it a wilderness area if there is a road?

Mr. BERLE. Well, our concern is the parallel track language.

Senator McCLURE. If there is a road, it doesn't qualify for wilderness. Is that correct?

Mr. BERLE. Of course. And then the question is what is a road. And our concern is the parallel track language which is in the bill.

Senator McCLURE. How about an airstrip?

Mr. BERLE. Well, there obviously if it is there and it's working, it's not a wilderness. There is a question then as to whether all of the strips that may be involved in this should continue and continue to be used.

Senator McCLURE. Should we then, if there is an existing airstrip, deny wilderness designation?

Mr. BERLE. Well, there are times when we have made the judgment, as a public policy standpoint, that we would forbid further use of an airstrip and therefore put an area into wilderness designation.

Senator McCLURE. Well, recreate wilderness where one doesn't now exist.

Mr. BERLE. That has not been unknown.

Senator McCLURE. I understand that. I'm just trying to understand what it is you're saying because you're saying if a road is there, it's not wilderness. If an airstrip is there, it is not wilderness. But we could close a road and create wilderness, if I understand you. And I don't mean to paraphrase you incorrectly. Or we could close an airstrip, and we can create wilderness.

Mr. BERLE. That is true, but I would suggest, Senator, that when you talk about the "any parallel track" language, that that does not necessarily provide for what many of us would define as a road.

Senator McCLURE. Well, I understand that. And those of you from the eastern United States might not be familiar with the practices in the Western United States. We are used to traveling roads that I understand others don't, and we think they're roads. I have noted the University of Idaho just did a tourism study, and one of the results of that study was that the tourists come to Idaho for our unspoiled areas, and they complain about the condition of our roads. I wonder if anybody ever considered the anomaly of that statement.

Mr. **Berle**. I would simply suggest that even under any definition, that the parallel track language is broader than is appropriate.

Senator **McClure**. Well, that's a matter of opinion and I understand your opinion. I would invite those and others who have criticized that to read the rest of the sentence because the statements—and I understand statements are designed to have impact. They're not necessarily designed to be accurate. And the statements that refer to parallel tracks that may have sometime in the past have occurred as a road under the definition of the bill is simply not correct. There is the rest of the sentence that defines it. You'll find it on page 31 of the bill.

I would invite you to read it because that's not the governor's intention nor mine. But it is to recognize that there are roads that do exist in areas—I think, Mr. Baird, you know that's true. Mr. Robinson, I think you know that's true. You've been in the back country in Idaho and you've seen some of those undeveloped, primitive roads that do exist and have existed and have existed for generations. They have been in existence for a long, long while, and they've been used every year. And they've been in continuous use and remain in continuous use. Even though they might not meet the more rigorous standard perhaps of eastern states, they nevertheless are serviceable and do serve a segment of the population for periods of the year in Idaho. That is what we're getting at. And if there's a better way to define it, I'm certainly open to suggestions as to the better way to define it.

But I would submit, as I said at the outset, that it is wrong for us to define roads out of existence in order that we can name them as wilderness. I would much rather we were up front and honest about it and say there's a road in there, but we want to close it. That at least gives the public that opportunity to comment on it as I understand each of you—and you particularly, Mr. Robinson, have suggested that we should maintain public input and discussion. If we deny the existence of a road that is there and close it by fiat without recognizing that that is a precise decision to do so, we've denied the public their opportunity for any comment about whether that road ought to be closed. And I think that would be correct to say. And again, I don't mean to put words in your mouth or misinterpret any comments that you have made.

I think you, Mr. Baird, also made some reference to the road definition. And again, I would invite you or anyone else to be able to identify—one of our difficulties is that when I introduced legislation before on an Idaho wilderness bill in 1984, I found as a matter of practice that I had included some roads, and I hadn't intended to. And the reason I had included the roads is the Forest Service maps didn't show it. I was flying over the south fork of the Salmon last year with the Forest Service to look at some of that area, and they wanted to take me to a place where they needed some mitigation money to mitigate for the effects of a road that had been constructed there. And their map didn't show the road.

Well, I flew over it, and I understood why they needed mitigation money because it was quite a road. As a matter of fact, there's another one that goes completely through the Secesh area from one boundary to the other boundary. And it's an improved road, even by the standards of existing law. But it doesn't show on the Forest Service maps unless you get the specialized proscriptive map that deals with transportation systems, and then you'll find it marked as an unimproved road. Well, it's by our standards in Idaho quite a road. It's far above the parallel track provision.

And that's what we're getting at is trying to be honest as we deal with these areas to determine whether or not they are, in fact, roadless and to address those questions very directly. We have tried in this bill in ORV trails that are improved for ORV use or in roads that do exist to draw the boundaries of the areas in such a way that those roads are excluded from the boundaries and those improved trails are excluded from the boundaries. And if we have not done so, it's because we were not able to locate them on the maps and nobody has called them to our attention.

Senator Murkowski?

Senator MURKOWSKI. Thank you, Mr. Chairman.

I observed with great interest the efforts that are being made here to accommodate a balanced utilization of land. Obviously, we have experienced this time and time again in Alaska.

I noted the reference to the Alaska National Interest Lands Conservation Act in the testimony of Mr. Berle. And I also noted the omission that the consideration for that was, as I recall, approximately 1.3 million acres being added into wilderness that was previously part of the allowable cut. And I think it is important when we make a reference, Mr. Chairman, to a particular similarity that we don't forget that there was, indeed, consideration given for the mandating timber supply fund, and that was directly as a result of the addition to the wilderness that was part of the final agreement.

That was accessible timber I might add, Mr. Chairman, that was added to the wilderness and I think represents a reasonable quid pro quo. So, I would like the record to so note.

Senator MCCLURE. Yes, sir.

Again, ladies and gentlemen, I appreciate your testimony. And I know you do make sacrifices to be here and testify. It is for some of you an act of your profession; for others, an act of dedication in addition. And I do appreciate your willingness to appear and testify and for your willingness to study the legislation and then to comment on it. Thank you very much for your appearance.

We do have a vote on the floor of the Senate, and I think this might be a good time for us to break. And we'll entertain panels two and three upon my return.

[Recess.]

Senator MCCLURE. The committee will come to order.

Mr. Jim Riley, Bucky Finley, Tim Mueller, Mark Rey, Todd Maddock. Gentlemen, your statements are all on file or will appear in the record in full as if delivered.

We will start out with Mr. Riley. You are invited, of course, to summarize. You are no stranger to these processes. You'll do it well.

STATEMENT OF JAMES S. RILEY, EXECUTIVE VICE PRESIDENT, INTERMOUNTAIN FOREST INDUSTRIES ASSOCIATION

Mr. RILEY. Thank you, Senator, and good morning.

As you are well aware, the primary interest of the Idaho forest products industry for the last several years has been to bring about a resolution of dispute of how to manage the wilderness lands in the State of Idaho. This dispute has caused numerous problems particularly with, and we're most concerned about, the long-term investments in Idaho's forest industry's future in the state. We would like to remain Idaho's number one nonagriculture industry and can do so given the resource base that is there.

As you pointed out in your opening remarks, for the past 20 years we have seen numerous pieces of legislation that designated specific land uses in Idaho coupled with an untold number of Forest Service administrative documents, EISs and various other decisions, all which were designed in some manner to try to bring the question of land management of the roadless lands in Idaho to conclusion. It is disappointing to us today the dispute rages on possibly at a higher level of intensity than it ever has in the past.

Fundamentally our industry believes that the 3.8 million acres of wilderness currently designated in Idaho is more than adequate to meet both the needs of the Nation and the needs of the people of the State of Idaho for wilderness. However, we are not naive, and we recognize that what we must do now is view the issue as trading off additional acres of wilderness in order to gain the legislation that is necessary or may be necessary to resolve the dispute regarding the management of the remaining roadless areas.

I choose my words carefully there by saying "may be necessary" because as you and I have discussed at some length—and this committee is fully aware—that the Forest Service plans, which they have spent millions of dollars on now and have finally completed, ostensibly are written in a manner which will resolve the wilderness dispute in and of themselves.

Accordingly, we have evaluated the proposed legislation, S. 2055, against two primary criteria. First and foremost is the question that most of our members ask us. Does this legislation extend the legislative certainty, if you will, to the nonwilderness lands which are necessary to resolve the entire dispute. In our view, in our members' view, S. 2055 does not. The bill commendably recognizes the necessity of bringing balance to wilderness designations and attempts to do so by designating special management areas which ratifies the Forest Service decisions to manage, to some degree, nonwilderness lands.

However, the special management areas identified by S. 2055 are limited to just a little bit more than 600,000 acres leaving all the remaining released roadless areas, if you will, with no legislative direction at all with the exception of the standard release language which in our view is proving to be entirely inadequate in other States where it has now been enacted.

Further, some of the special management language direction also in our view is not sufficiently definitive to assure that released roadless areas can be managed in accordance with the Forest Service plans. We understand that is your intent and hope that you will be open to amendments to that language in that regard when the time comes.

My written statement also offers additional language which could be added to S. 2055 to provide the legislative certainty which we believe we are all seeking. Without such additions to S. 2055, IFIA will find it very difficult to support the legislation which has been introduced.

The second criterion which we evaluated the bill against—and I hope you understand how we must oppose any legislation which would withdraw as wilderness timber resources which are essential to the continued operation of industry facilities in the State of Idaho. My statement describes the statewide impacts to the timber resources which will result from wilderness designations in S. 2055. In subsequent testimony by other panel members, you will hear about specific areas and boundaries which we support and defer to their individual operations.

In conclusion, let me just say that we do not quarrel with either your or Governor Andrus' basic objectives that have been stated when you have introduced this legislation: first, to resolve the roadless area issue; second, to create reasonable wilderness in the State of Idaho; and third, to protect resources necessary to the community and the economies which are dependent on forest resources. We just disagree today that this legislation, for the reasons outlined in my testimony, simply does not reach these worthy goals. We pledge our support to amending the bill as we move forward so that we can correct the deficiencies we've identified.

Thank you very much for this opportunity.

[The prepared statement of Mr. Riley follows:]

Statement of
Intermountain Forest Industry Association
Before the Public Lands Subcommittee
# of the
Senate Energy and Natural Resources Committee
S 2055
June 21, 1988

Mr. Chairman and members of the Subcommittee:

The Intermountain Forest Industry Association (IFIA) represents timber industry on all federal and state issues. On behalf of the industry, I am pleased to present the timber industry's views on S 2055.

The future of our industry is dependent upon the timely offering of timber sales planned for a portion of Idaho's nonwilderness roadless lands. In a June 16, 1987 report to the Congress, the Chief of the Forest service accurately characterized this situation by noting that "a significant portion of the Idaho and Montana timber sale program in the next 10 years is dependent upon the development of those roadless areas to be managed for timber production." In Idaho, forest plans call for entry of about 18% of the nine million acres of nonwilderness roadless lands over the next 10-15 years. Several mills face immediate shortages unless planned sales in these roadless areas go forward and the timber sale levels from the national forests are brought up to adequate levels.

APPEALS AND PLANNING UNCERTAINTY THREATEN TIMBER SALES

Right now proposed roadless area timber sales in Idaho can and are being easily halted by environmental group appeals until the Forest Service determines if the new forest plans meet the Court's mandates of California v. Block. Even with a final plan in place, as is the case on all but one Idaho National Forest, there are appeals being filed. For example, last month the Chief granted a stay on all roadless area timber sales on the Idaho Panhandle National Forest. An identical stay request was filed by environmental appellants last week on the Clearwater Forest.

The option which has been selected in other states for removing roadblocks to roadless area timber sales is for Congress to simply pass a law which states, in effect, that the Ninth Circuit's requirements for review of wilderness suitability of roadless areas has been met for the time period covered by the first generation of the forest plans. Congress has enacted legislation to essentially do this in an attempt to resolve roadless area controversies in many states. Similar legislation has not been enacted for Idaho, and, despite the generally accepted notion that passage of such legislation would resolve the wilderness issue,the industry in Idaho is reluctant to support such a bill. Here is why.

Unfortunately, as useful as this provision seems on the surface, in reality it is proving largely ineffective in assuring entry of nonwilderness roadless areas. The provision blocks only appeals based upon the adequacy of he Forest Service's review of the area for wilderness. Therefore, any group which disagrees with timber sales in roadless areas simply finds a reason other than deficiencies in the Forest Service or Congressional wilderness review to appeal the Forest Service's decision. Given the number of available reasons that can be located in the U.S. Code or the Code of Federal Regulations, they can easily succeed in their efforts.

The aforementioned June 1987 Forest Service report indicates that "some National Forests have not been scheduling timber sales in the more controversial areas pending the completion of forest plans." The Agency notes further that "they have not been scheduling timber sales in some roadless areas in order to keep their options open in deciding how these lands are to managed as part of the forest planning process." Entry into roadless areas has, therefore, been limited to date to the fringes of roadless areas, or into relatively noncontroversial areas.

Even though the Forest Service has refrained from entering controversial roadless areas, the data the Agency provided in June 1987 indicate that over one-sixth of the volume in scheduled roadless area sales has been appealed or litigated. This amounts to enough timber to run thirteen medium-sized sawmills and create 2800 jobs. There is, moreover, no reason to believe that controversial roadless areas will become any less controversial once an NFMA plan is finalized. Certainly, this was not the case with respect to the Idaho Panhandle or Clearwater National Forest appeals I discussed earlier.

Therefore, it is difficult to accept the Forest Service's assertion that, where there are completed NFMA plans, "the release language has been effective in minimizing the number of appeals on roadless area entries." There is no indication from the June 1987 report that the Agency can successfully and routinely enter controversial roadless areas. Only 7 percent of the last three year's timber sale program has come from roadless areas. The areas that have been entered -- and the data do show many -- are, by and large, sufficiently noncontroversial so that they might well have been entered unchallenged even without release language or completed forest plans.

The impact of this problem on the timber sales program in Washington, Oregon, and California has also been obscured by the availability of sales in already roaded areas returned to the government under the provisions of the Federal Timber Contract Payment Modification Act. This Act requires that reoffering sales which were returned to the Government in roadless areas be given priority over sales in roadless areas. Once this volume runs out, the need to enter roadless areas to maintain timber sales levels, and accompanying controversy over this entry, will increase dramatically.

There is yet another problem with the Forest Service claim that completed plans for each national forest will solve the roadless area dispute. Aside from the fact that this approach places a huge amount of faith in the completion of the planning process to restore some measure of certainty to public land management, the release language in S 2055 makes clear that nonwilderness roadless lands -- the "released" lands -- are to be managed according to the final forest plans. However, this assumption ignores the serious potential impacts of recent litigation.

Consider the challenge raised on the Tongass National Forest by the City of Tenackee Springs and the Southeast Alaska Conservation Council. Last year, the United States Court of Appeals for the Ninth Circuit rendered a particularly troublesome opinion in the case.

The appellants contended that the EIS that covered road building and timber harvest in the Kadashan watershed on the Tongass was inadequate because it did not consider an alternative that would manage the area for unroaded uses. The Forest Service responded that the Alaska National Interests Lands Conservation Act (ANILCA) incorporated the RARE II analysis by reference, passing on the sufficiency of that analysis for the Tongass, and that there was no need to again consider whether the area should be managed for wilderness.

The Court found in favor of the appellants stating that, while ANILCA and RARE II settled whether to manage for wilderness, the Agency still had a responsibility to evaluate how to manage lands released for multiple-use management. In the Court's view, NEPA requires the Agency -- in the environmental analysis accompanying the timber sale -- to look at an alternative that does not manage the tract for timber harvest.

This decision could be read to indicate that, even after a forest plan is in place, project level EIS's will need to look at an alternative that does not involve management activity. The application of the Tanackee Springs decision on other forests will require the Forest Service to again consider managing the released areas for precisely the same uses that Congress released from in the wilderness bills. It is possible that the Agency could be required to perform project-level environmental impact statements on timber sales that are scheduled in roadless areas released by state wilderness bills with current release language, and allocate to timber production by final NFMA forest plans. There is simply no way for the Forest Service to maintain the present timber sales program if the Agency is required to develop

EIS's on each individual timber sale.

Moreover, what happens if the plans are not finalized because of administrative appeals and court actions designed to halt their implementation? In that case, our reading of the S. 2055 release provisions leads us to the conclusion that without final plans, development of nonwilderness, "released" roadless lands will be extremely difficult despite passage of wilderness/release legislation. The Forest Service's June 1987 report verifies this conclusion.

Furthermore, what is the status of the released areas during the appeal of a final forest plan? There is no basis to believe that completed final forest plans, with all appeals against them resolved, will be forthcoming in the near future. All final plans in Idaho have drawn administrative appeals, many of which seek to stay their implementation. Some of these appeals may ultimately reach federal court. Federal district court judge James M. Burns recently predicted a wave of litigation "making NEPA (litigation) look like child's play." He also noted that cases related to implementation of the NAtional Forest Management Act will be "extremely difficult," with a lawsuit likely on each national forest. The Forest Service is asking us all to put our faith in a process which has not to date resolved the controversy which threatens our industry.

Given the ability of environmental groups to successfully find other avenues to halt roadless area timber sales, plus the difficulties facing the planning process, we are convinced that the release provisions included in previously passed wilderness bills will not, without additions, resolve roadless area controversies. Passage of this legislation will not allow entries into roadless areas as needed to maintain a reasonable timber sale program and as planned by the Forest Service.

In short, our industry is being asked to accept a significant withdrawal of land from he productive timber base, but with no assurance in return that we will be able to sustain our mills through an adequate timber sale program. Thus, the industry in Idaho is extremely wary of bills or proposals which are built around the "standard" release language. We cannot support such legislation.

Lest we be characterized as paranoid, bear in mind the recently made public goals of the Wilderness Society. In testimony before Congress, the Wilderness Society called for:

- A doubling of the size of the Wilderness System in the national forests.

- An end to nearly all new road construction in the national forests, and

- A 50 percent reduction in national forest timber sales by the end of the current planning period.

These goals clearly translate into a policy of no more roads or timber sales in currently roadless areas. Given these ambitious goals we must assume the Wilderness Society as well as others will use all means at their disposal to prohibit entry into all roadless areas. Existing release language will not prevent their legal efforts on individual projects. Nor, as I indicated with the Tenackee Springs decision, has this language proven to be any benefit to the Forest Service in sustaining legal challenges.

PROPOSED ADDITIONS TO SEC. 201

Legal closure in wilderness legislation has so far been restricted to only the designation of additional wilderness. Such designations are certain, permanent and not subject to legal challenge. Yet, while certainty is provided for wilderness, there is no similar certainty for resource development and use decisions. Ostensibly, certainty for resource use decisions is to come from the forest plans, but as we discussed above, the timber industry cannot view that process as providing the certainty needed for a firm or community to make prudent investment decisions.

The timber industry has developed a relatively simple amendment to the language currently included in S 2055. We believe that this amendment provides the certainty and protection that resource use decisions deserve. The amendment reads as follows:

> (3) areas in the state of Idaho reviewed in such final environmental statement or referred in Subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976; Provided, that such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans. Provided further, that individual activities conducted or proposed to be conducted in such areas pursuant to land management plans developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, or pursuant to unit or land and Resource management plans in existence at the time of passage of this Act, shall not be subject to administrative appeal or judicial review.

The amendment, presented in the full context of the current release language is included as an appendix to this statement.

Our amendment makes possible that the roadless areas planned for entry by the Forest Service will actually be entered by insulating individual decisions for timber sales and other management activities in these areas from administrative appeal or judicial review. Decisions to enter and log some roadless areas are developed under either the forest plans or, in a few cases, under "unit" plans.

Insulating individual timber sales or other development decisions from the appeals and litigation that might otherwise halt their implementation has several advantages. First, it does provide the equity upon which a true wilderness compromise should rest -- the wilderness designations are certain and the ability of the Forest Service to implement decisions to offer timber sales in Idaho's wilderness roadless areas are just as certain. Neither are "appealable" decisions, and both can be counted upon by those seeking the two land use classifications.

Second, our amendment does not affect the outcome of the NFMA planning process. Planning decisions are not included in the limitation on judicial review or administrative appeals. Therefore, the planning process can continue unaffected. Once completed, the final plans will govern the management of the released roadless areas and will determine both whether and how individual activities are conducted in accordance with all existing laws and regulations. Nothing in our amendment would limit the applicability of these plans to govern activities in released roadless areas. Additionally, nothing in our amendment will limit administrative appeal or judicial review of the plans.

Third, our amendment does not reduce the Forest Service's obligation to provide adequate environmental documentation in final forest plans so that the activities conducted pursuant to such plans comply with all applicable laws and regulations. For example, the Agency must still produce a plan governing these activities that passes NEPA muster. Also, the plan must still assure subsequent compliance with the federal Clean Water Act, the Threatened and Endangered Species Act, and all other environmental statutes, regulations, and procedures.

Fourth, our amendment would not be antithetical to the interests of reasonable participants in the forest planning process. The environmental community has invested considerable effort in influencing the outcome of the forest plans. Our amendment enhances the importance of forest planning while restricting only those appeals which from our standpoint represent an attempt to delay or halt timber sales in an area for which decisions have already been reached, a "third bite" of the apple if you will.

Our amendment is a compromise from our original suggestion that all forest plan decisions be held above judicial review. We have listened carefully to those who envisioned the political difficulty of a Congressional declaration of the legal sufficiency of all forest plan decisions. We have modified our approach accordingly, and now propose that only individual decisions to enter a small portion of the roadless areas be insulated from appeal. The forest plans and the full range of decision in them, however, will remain subject to administrative appeal and judicial review. Our amendment does nothing to abridge the rights of individuals to appeal plan decisions.

In doing so, the amendment nevertheless anticipates the considerable legal difficulties facing the forest plans. Consider the revelations I described earlier regarding the planning process made by the Forest Service in its June 1987 document discussing timber sales in roadless areas. Consider further that the document also states that:

> "It is therefore difficult to make any judgments as to how effective the release language has been in California, Oregon, and Washington since these states have only one completed Forest plan. However, the timber sale program to be established in the completed plans for these states will be heavily dependent upon successfully entering those roadless areas which are to be managed for timber production.
>
> "The future of the timber sale program is dependent upon the successful entry of those roadless areas which are to be managed for timber production.
>
> "Appeals and/or litigation of any magnitude which involve timber sales in roadless areas will have a direct and significant impact on the future timber sale program.

Clearly there is cause for concern over the future of timber sales in roadless areas, even if release legislation is enacted. While passage of legislation has apparently allowed some sales in noncontroversial areas in states with the legislation, it cannot be assumed that the language is completely effective. In fact, the Forest Service apparently knows that current release language will not shield them from legal action brought against sales in more controversial areas, at lease until plans are complete. They do not offer sales in these areas. Our amendment assures that orderly, on-the-ground management of the National Forests will continue while plan appeals are being resolved. Inasmuch as plan appeals and litigation will certainly take years to fully resolve, this amendment constitutes a most important provision.

Finally, the record on various wilderness bills recently passed in other states clearly shows that Congress anticipated roadless areas entries upon passage of the legislation. IN addition, Section 6 of the National Forest Management Act mandates the Forest Service manage the national forests according to existing land and resource management plans until each forest can be managed fully the new plans. This amendment is simply a logical extension of these two previously well-established Congressional expectations.

As such, it is an opportunity to resolve an area of public policy debate that has been wrought with considerable uncertainty. This amendment, combined with enactment of suitable wilderness designations, is the best opportunity we can see to both end the wilderness debate as well as expedite the development and implementation of final forest plans.

S. 2055's TIMBER IMPACTS ARE SERIOUS

Beyond our concerns with the bill's treatment of the nonwilderness roadless lands, S. 2055 will have immediate and serious impacts on the already strained timber supply in many Idaho market areas. The impacts of the S. 2055 Wilderness proposals are threefold.

First, the bill proposes to make Wilderness several areas in which the Forest Service has scheduled timber sales already identified by the Forest Service for advertisement during the next 10 years will be prohibited during the next ten years. If S. 2055 is enacted, approximately 120 MMBF of timber sales sufficient timber to operate four medium size sawmills, like the Regulus Studs Mill in St. Maries, Idaho, for example, for one full year.

To exacerbate the gravity of the bill's impact on planned sales, the largest volume of cancellations will occur in the south Clearwater Valley market area, where current timber supply shortages are most severe.

Second, S 2055 will legislatively withdraw more than 180,000 acres of suitable timberland included in draft and final forest plans. Since the Forest Service calculates their Allowable Sale Quantity (ASQ) levels for each National Forest based on the principle of non-declining yield, reductions in the suitable land base due to Wilderness, designations will force the Forest Service to reduce ASQ levels in order to maintain non-declining timber schedules.

Throughout Idaho, our estimate of the total impact on ASQ levels will be nearly 26 MMBF/year reduction. Once again the impact is most severe in the Clearwater Valley where current timber supply shortages are most severe. The Clearwater Forest will face ASQ declines of 12 - 15 MMBF/year if S. 2055 is enacted.

The third, and possibly the most troublesome impact of S. 2055 on timber supply considerations, is the designation of more than 400,000 acres of tentatively suitable timberland as Wilderness. Although the technical differences in Forest Service jargon, between tentatively suitable and suitable lands, are somewhat obscure, suffice it to say that the tentatively suitable lands are the commercial timberlands which the Forest Service has not scheduled for timber harvest at this time. However, these lands have an estimated potential timber yield of 110MMBF/year, and a study inventory of nearly 34 billion board feet. Furthermore, we believe these lands can, and should, be managed under the principle of multiple use including timber harvest.

Through the Forest planning process we have made specific recommendations to the Forest Service for management of these lands. Unfortunately, the Forest Service chose not to schedule timber harvest from these lands in the final plans which have been published to date in Idaho, in part because the Agency erroneously concluded that they were not needed to meet the timber supply needs of the local industry. In light of more recent harvest data, we believe the Forest Service has a clearer view of the timber supply needs in the state. As a result, we have requested the Forest Service reconsider their decisions to not schedule timber harvest from much of the tentatively suitable land base.

In sum, the continued health and viability of the forest products industry in many Idaho market areas is directly dependent on the Forest Service' ability to allow multiple use timber management on much more of the tentatively suitable timber land base. H.R. 2055 would legislatively preclude timber management on these lands.

TIMBER IS VITAL TO IDAHO'S ECONOMY

Forest products remain one of Idaho's most important industries. In 1986 there were about 5,000 workers employed in the industry earning more than $420 million. Moreover, 1986 and 1987 have seen a substantial rebound in both demand for Idaho wood products and in prices for them.

In northern Idaho, the industry accounts for 40 to 50 percent of the areas economic base. Statewide, the industry supports nearly 20 percent of Idaho's economic base. Seventy-five percent of the people employed in forest products work in Idaho north of the Salmon river.

Despite extremely difficult operating conditions in the early 1980's, the forest products industry still is an important part of Idaho's overall economy. It has accounted for 20 - 25 percent of the entire state's economic base in the 1980's. Despite rough times, this percentage has remained constant.

The industry did lose employees during the early 1980's -- more than 4,000 -- but it was due to changes in industry structure and increased efficiency. In fact, about as much timber was harvested and processed in Idaho in 1986 than in 1979, a peak year. The current capacity to process timber is the same as in 1979. The sales value of wood and paper products also continues to increase from the low levels experienced in 1982. An estimated $840 million in revenue for 1985 indicates that sales are approaching the peak seen in 1979.

Idaho is a beautiful state that all of us who are involved in making a living in the forest products enjoy. We are also pleased that many people from other states and countries enjoy visiting Idaho to enjoy its scenic beauty. We must question however, whether most of the non-resident travelers in Idaho visit wilderness areas. Also, a study published in 1986 by George Stankey and Robert Lucas of the USDA Intermountain Research Station in Missoula shows a decline in the use of wilderness areas across the U.S. and that most of the wilderness use continues to be in the long established wilderness areas.

SUMMARY

Idaho's timber industry cannot support, and, in fact, must work for the defeat of S. 2055 as it is currently drafted. There are two unacceptable shortcomings to the legislation: (1) the impacts on the timber resource are too great, and, (2) the release language does not resolve concerns over the Forest Service's ability to enter and manage the nonwilderness roadless lands.

S. 2055, if redrafted or amended to address these problems could, perhaps, be an acceptable vehicle for compromise. Recognizing that resource users other than the timber industry have a large stake in wilderness decisions, the timber industry is willing to explore with Senator McClure, Governor Andrus, and the Committee S. 2055's potential as a springboard to form such a compromise.

Senator McClure. Thank you.

Mr. Finley?

STATEMENT OF O.W. "BUCKY" FINLEY, RESOURCE MANAGER, LOUISIANA PACIFIC CORP.

Mr. Finley. My name is Bucky Finley. I'm the resource manager for the northern area of Idaho. I reside at Coeur D'Alene, and I appreciate the opportunity to express the views and hope the comments will be of help to the committee.

Louisiana Pacific owns and operates six wood processing plants in Idaho, five of which are in the north Idaho panhandle. Our supply of logs for these plants rely very heavily on Forest Service timber which is very much affected by this bill.

We have supported areas to be included in the wilderness preservation system which are in it at this time, but we do disagree with the inclusion of several areas, including prime timber producing lands. These are of vital importance to the sustained timber harvest from the Idaho panhandle, and the economy of several communities in north Idaho. These lands which are now, and many of which are capable of high timber production, should not be withdrawn from the timber base.

Louisiana Pacific and other citizens of Boundary County have been working hard at this time to reach an agreement on boundaries and areas in the Selkirk Crest on the Bonners Ferry district. These folks are living in the area and are very familiar with the land and can make some real good, sound decisions in where lines should be drawn and how these lands could best be managed for future generations to use and enjoy.

We are recommending that these groups' proposals be granted some consideration. These two groups that are working very hard on this at the present time, of which Louisiana Pacific has been a party to, are the subcommittee of the Environmental Balance Committee of Greater Bonners Ferry Chamber of Commerce and the Committee for Boundary Backpackers, a chapter of the Idaho Conservation League. I have a copy of their proposal which I wish to hand in at this time as an attachment to this.

Senator McClure. It will be included as a part of your statement.

Mr. Finley. Thank you, Senator.

This proposal is at this time still subject to changes as some of the final items have not been agreed upon. There seems to be two items that we're still discussing. One is 40.5 million feet as compared to our request for 42 million feet.

The other areas that Louisiana Pacific is recommending as wilderness would be only the Palisades portion that adjoins the Wyoming State line. The other two areas of this Palisades area we would like to see not included in the wilderness preservation system.

One is Bear Creek, being the largest of the three. Within its boundaries the timber is a harvestable type timber. We logged the timber sale in there in 1987. There are several roads that enter the northwest portion of the area. There is also a Girl Scout camp which has been in use for several years along the boundary of this which has bicycle trails that are now included in the boundary. And if designated wilderness, this would not be allowed.

The fire that was in there a year ago burned about 2,500 acres in 1987, and it cost over $1,300,000 to fight because of no vehicle access. And we feel that the potential with the insect and disease in that area is probably going to have other fires.

In closing, Louisiana Pacific Corp. has done extensive remodeling of several of its north Idaho plants. It has built one new plant to manufacture boards, another one for dimensional lumber in 1983, all of which have contributed to the recovery of the north Idaho economy since the early 1980's low period. Now we are facing uncertain timber supplies in the forest plan and appeals in and around the roadless areas, and we strongly ask that our suggestions be heard and legislation not be passed that would slow the economic progress that we now have or further restrict our timber supply.

[The prepared statement of Mr. Finley follows:]

STATEMENT OF
BUCKY FINLEY
LOUISIANA-PACIFIC CORPORATION
BEFORE THE
SENATE PUBLIC LANDS SUBCOMMITTEE
OF THE
ENERGY AND NATURAL RESOURCES COMMITTEE
ON S. 2055

JUNE 21, 1988

MY NAME IS BUCKY FINLEY. I AM THE NORTHERN UNIT RESOURCE MANAGER FOR LOUISIANA PACIFIC CORPORATION, AND RESIDE IN COEUR D'ALENE, IDAHO. I APPRECIATE THE OPPORTUNITY TO EXPRESS OUR VIEWS AND WE HOPE OUR COMMENTS WILL BE OF HELP TO THE COMMITTEE.

LOUISIANA PACIFIC OWNS AND OPERATES SIX WOOD PROCESSING PLANTS IN IDAHO, FIVE OF WHICH ARE IN THE IDAHO PANHANDLE. OUR SUPPLY OF LOGS FOR THESE PLANTS RELY VERY HEAVILY ON FOREST SERVICE TIMBER, WHICH IS VERY MUCH AFFECTED BY THIS BILL.

WE HAVE SUPPORTED AREAS TO BE INCLUDED IN THE WILDERNESS PRESERVATION SYSTEM, WHICH ARE INCLUDED IN THIS BILL. WE DO HOWEVER, DISAGREE WITH THE INCLUSION OF SEVERAL AREAS OF PRIME TIMBER PRODUCING LANDS, WHICH ARE OF VITAL IMPORTANCE TO SUSTAINED TIMBER HARVEST FROM THE IDAHO PANHANDLE AND THE ECONOMY OF SEVERAL COMMUNITIES IN NORTH IDAHO. THE LANDS WHICH ARE NOW, AND MANY WHICH ARE CAPABLE OF HIGH TIMBER PRODUCTION, SHOULD NOT BE WITHDRAWN FROM THE TIMBER BASE.

BEFORE THE TIMBER BASE IS REDUCED IN SUITABLE TIMBER PRODUCING AREAS, WE NEED AN ACCEPTABLE ANALYSIS OF THE LONG TERM AFFECTS. WHAT ARE THE RESULTS OF NO TIMBER MANAGEMENT, ON WATER, WILDLIFE OR FIRE POTENTIAL? WHAT WILL A FIRE COST IN TERMS OF LOST HABITATS, EROSION, WATER AND AIR QUALITY? WHAT WILL BE THE

REHABILITATION PLAN AND HOW WILL THE COSTS OF THIS REHABILITATION BE PAID?

THESE LANDS BEING LOOKED AT FOR WILDERNESS ARE NOT WITHOUT MANS INFLUENCE. THE FOREST SERVICE HAS PRACTICED FIRE CONTROL FOR MANY YEARS, AND HAVE BY THESE MANAGEMENT ACTIONS ALONE HAVE CHANGED THESE AREAS FROM WHAT WOULD HAVE BEEN. WILDERNESS STATUS FOR THESE LANDS WILL LET THEM DETERIORATE INTO A STATE MUCH LESS APPEALING THAN WHAT NOW EXISTS.

LOUISIANA PACIFIC CORPORATION IS RECOMMENDING THE PALISADES PROPOSED WILDERNESS AREA CONSIST ONLY OF THE NORTHEAST AREA ADJOINING THE WYOMING STATE LINE. THE OTHER TWO AREAS OF THE PALISADES WE RECOMMEND BE DELETED FROM THE BILL FOR THE FOLLOWING REASONS. THE AREAS KNOWN AS BEAR CREEK, THE LARGEST OF THE THREE HAS WITHIN ITS BOUNDARIES A TIMBER SALE WHICH WAS LOGGED IN 1987. SEVERAL ROADS ENTER THE NORTHWEST PORTION OF THE AREA AND A GIRL SCOUT CAMP ADJOINS THE BOUNDARY WITH MANY BIKE TRAILS INTO THE PROPOSED WILDERNESS. THE GIRL SCOUTS HAVE FOR YEARS USED THESE TRAILS WITH BICYCLES WHICH WOULD BE ELIMINATED IF THIS BILL IS PASSED. THIS AREA ALSO CONTAINS LARGE AREAS OF SUITABLE TIMBER LANDS WHICH CAN BE HARVESTED WITHOUT DAMAGE TO THE AREA SOILS WHEN DONE WITH PROPER METHODS AND SEASONAL ENTRIES. THE SPRING CREEK FIRE BURNED 2,500 ACRES IN 1987 AT A COST OF OVER $1,300,000.00 TO FIGHT BECAUSE OF NO VEHICLE ACCESS AND WOULD NOT HAVE BEEN CONTAINED THEN IF THE WEATHER HAD NOT CHANGED. WITH

THE PRESENCE OF INSECTS AND DISEASE IN THIS AREA MORE FIRES ARE INEVITABLE AND MAY NOT BE CONTAINED IF CONDITIONS ARE WRONG.

THE POKER PEAK PORTION PROVIDES RECREATION OPPORTUNITIES FOR MANY OF THE LOCAL PEOPLE AS WELL AS TIMBER AREAS SUITABLE FOR HARVEST. WILDERNESS DESIGNATION OF THIS AREA WOULD LESSEN THE POTENTIAL RECREATION CAPACITIES IN AN AREA ALREADY HAVING A SHORTAGE OF DEVELOPED AND SEMI-REMOTE RECREATION. WE HOPE THAT THESE TWO AREAS WILL BE EXCLUDED FROM THE WILDERNESS PROPOSAL.

LOUISIANA PACIFIC AND OTHER CITIZENS OF BOUNDARY COUNTY HAVE BEEN HARD AT WORK TO REACH AN AGREEMENT ON BOUNDARIES AND AREAS IN THE SELKIRK CREST ON THE BONNERS FERRY DISTRICT. THESE ARE FOLKS LIVING IN THE AREA WHICH ARE VERY FAMILIAR WITH THE LAND AND CAN MAKE SOUND DECISIONS IN WHERE LINES SHOULD BE DRAWN AND HOW THESE LANDS COULD BEST BE MANAGED FOR FUTURE GENERATIONS TO USE AND ENJOY.

WE ARE RECOMMENDING THAT THE WISHES OF THESE GROUPS BE GRANTED. THE PROPOSAL OF THESE GROUPS, THE SUBCOMMITTEE OF ENVIRONMENTAL BALANCE COMMITTEE OF GREATER BONNERS FERRY CHAMBER OF COMMERCE AND THE COMMITTEE FOR BOUNDARY BACKPACKERS, A CHAPTER OF THE IDAHO CONSERVATION LEAGUE. A COPY OF THEIR PROPOSAL IS ATTACHED. THIS PROPOSAL AT THIS TIME IS STILL SUBJECT TO CHANGE AS THE FINAL AGREEMENT HAS NOT BEEN REACHED.

MEMORANDUM OF UNDERSTANDING

The undersigned, after years of study and weeks of negotiation, do now make the following recommendations for amendments to the Forest Plan for the Idaho Panhandle National Forest and the McClure/Andrus bill:

1. The Parties agree that this is a package, and that the loss of one item from whatever source, causes the loss of joint support for all other items.

2. The proposed Trout Creek sale will not be appealed.

3. The Salmo-Priest area shall be declared Wilderness, subject to clauses permitting fire fighting and insect control. However, the previously managed area in Malcolm Creek drainage shall be excluded from Wilderness designation. Fire fighting and insect control shall not be construed so as to permit a program of commercial harvest. To that end trap trees may be used within Wilderness boundaries to reduce the danger of insect infestations spreading to timber outside said boundaries, but the salvage harvest of infected stands within those boundaries shall be specifically prohibited.

4. The Selkirk Crest area south of the line defined by the Lion's Head ridge and its continuation along the ridge which divides the Canyon Creek and Ball Creek drainages shall remain under the 1972 joint management plan. We urge that the State of Idaho add the upper end of Indian Creek to this joint management area.

5. Long Canyon (rim to rim) together with that portion of the Selkirk Crest north of the line defined by the Lion's Head ridge and its continuation along the ridge which divides

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the Canyon Creek and Ball Creek drainages shall be declared Wilderness, subject to clauses permitting fire fighting and insect control. Fire fighting and insect control shall not be construed so as to permit a program of commercial harvest. To that end trap trees may be used within wilderness boundaries to reduce the danger of insect infestations spreading to timber outside said boundaries, but the salvage harvest of infected stands within those boundaries shall be specifically prohibited.

6. All other roadless areas shall be released for multiple use.

7. As to the balance of the Bonners Ferry District (as defined in May, 1988), all current constraints shall be managed in such a way so that at least 42 million board feet, regulated, on a sustained yield basis will be offered for sale each year in perpetuity. Future constraints shall not encroach on this sale figure.

DATED this 1st day of June, 1988.

SUBCOMMITTEE OF ENVIRONMENTAL
BALANCE COMMITTEE OF GREATER
BONNERS FERRY CHAMBER OF
COMMERCE

SUBJECT TO APPROVAL OF GREATER
BONNERS FERRY CHAMBER OF
COMMERCE

COMMITTEE FOR BOUNDARY
BACKPACKERS, A CHAPTER
OF THE IDAHO CONSERVATION
LEAGUE

Will Venard
Barbara Rawlings

SUBJECT TO APPROVAL OF
BOUNDARY BACKPACKERS

Senator McClure. Thank you.

Mr. Mueller, you do not have a prepared statement?

Mr. Mueller. No, Senator. I did not realize I was going to have to testify until I was already traveling. So, I apologize for that. We do have written statements for both the groups that I am testifying for previously submitted to the committee, and I will just reiterate a few of the remarks found in those statements already a part of the record.

Senator McClure. Proceed.

STATEMENT OF TIM MUELLER, ASSOCIATED LOGGING CONTRACTORS, ST. JOE VALLEY ASSOCIATION

Mr. Mueller. Mr. Chairman, my name is Tim Mueller and I'm representing today the St. Joe Valley Association, a group of about 1,500 lay people from St. Maries, ID, and also the Associated Logging Contractors, a group comprised of 650 members who are the heart of Idaho's logging, road building and trucking industries. Both of these associations testified and submitted lengthy written comment at the field hearings, and today we have no additional written testimony, as I've stated, Mr. Chairman, but wish to strongly and regretfully reiterate to the committee our continued opposition to the bill.

The citizens of St. Maries and the loggers of Idaho are angered and afraid. They are angered at the process by which this bill was drafted, and they are afraid of the consequences to Idaho's economy if the bill becomes law.

Underlying our opposition to this bill are two key factors. One, this is the first time that we know of an Idaho wilderness bill has included in its boundaries commercial timberland which presently contributes to the forest's base for determining allowable harvest levels. And two, the question of Idaho's roadless areas are very near to judicial review, and we feel that the bill might prejudice the fate of the Idaho's roadless lands before the outcome of that review by the courts is known.

Address with me, if you will, Mr. Chairman, for a moment the question of including commercial forest land inside wilderness boundaries. Let me share with the committee some facts. In 1986 we consumed in this country 46 billion board feet of soft wood lumber. This was an all-time record. Never before had we in the United States consumed this much lumber. In 1987 last year consumption in our country surpassed the 1986 levels by 4 billion board feet. That is we consumed 50 billion board feet of soft wood lumber. We expect in 1988, Mr. Chairman, to be at or exceed 1986 and 1987 levels.

With the consumption and demand levels far exceeding those in prior years, we know that if housing is to continue to be affordable for most Americans and that our national forest system must meet the supply criterion for raw materials. This means, Mr. Chairman, that we cannot sequester forever our precious commercial timberlands into wilderness. Senate bill 2055 has done just that.

In the Churchill-Vanderbuilt area adjacent to the Mallard-Larkins roadless area in the Clearwater National Forest, there lies a healthy stand of commercial saw timber which contributes 12 to 15 million board feet each year to the harvest in that forest. This area has no special unique scenic or wilderness characteristics. Yet, the area under this bill has been withdrawn from America's precious base of timberlands.

This President frightens those of us who are employed in the forest products industry and the citizenry of Idaho who depend indirectly upon that employment. The President should frighten Congress also. And if our Congress is serious about its commitment to decent housing for all Americans, we should be equally frightened together.

We submit that there are certain fundamental things one should not do: stand in the rain, sleep in the subway or put commercial timberland into wilderness that contributes presently to the base. Idaho already has without this bill about 4 million acres of statutory wilderness. We don't think that it is necessary or prudent that we in Idaho feel so desperate for more wilderness that we are willing to lock up healthy forested tree farmland to get it. We do ask that the committee reassess their direction concerning the markup of commercial forest land into wilderness.

And second, Mr. Chairman—and I'm just about through—the fate of Idaho's roadless lands may soon become much clearer. As I understand it, one of the productive reasons we are pursuing this bill in the first place is to insert standard soft release language, which Congress has enacted in other states, to supersede the *California* v. *Block* decision. If this is correct—and I believe it is—then this committee should understand that the Forest Service has recently brought the question of legal adequacy pursuant to their environmental impact statement satisfying *California* v. *Block* to the front burner or the forefront.

The Idaho Conservation League filed an administrative appeal against the forest plan for the Idaho Panhandle National Forest. The Idaho Conservation League has asked for all timber sales to be enjoined in roadless areas in the forests because of the *California* v. *Block* decision. The Forest Service, however, believes that the plan's environmental impact statement satisfies the legal hurdles presented by *California* v. *Block*. The Forest Service, therefore, has separated the Idaho Conservation League's appeal from all other appeals of the plan and have served notice of the intent to expedite the ICL appeal request for stay of entry to roadless lands and then in all likelihood, the matter will move rapidly to litigation. We expect that oral hearing to take place within the next 45 days, Senator.

If this is the case, Mr. Chairman—and we believe it will be—then it would be premature we feel and presumptuous of Congress to settle the matter of *California* v. *Block* while the courts are actively adjudicating the question.

Senator McClure. Are you about finished?

Mr. Mueller. Yes, I am, Senator. Just one more paragraph.

That is the legal question of the forest plan's adequacy of its environmental impact statement.

There are many other reasons, Mr. Chairman, why the St. Joe Valley Association and the Associated Logging Contractors oppose the bill, but these are our two basic reasons. We thank you for the opportunity to testify today.

Senator McClure. Thank you very much.

Mr. Rey.

STATEMENT OF MARK REY, VICE PRESIDENT, PUBLIC FORESTRY PROGRAMS, NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. Rey. Thank you. I'm Mark Rey, Vice President of Public Forestry Programs for the National Forest Products Association. I'll summarize my statement for the record.

I appreciate the opportunity to offer our comments on S. 2055. This bill represents the most comprehensive analysis performed to date of the status of national forest roadless areas in Idaho. Regarding the specific areas designated as wilderness, NFPA defers to its local members concerning wilderness boundary designations. With respect to the special management areas, we note that several elements of the special management area concept as it is outlined in the bill have some merit and should be considered further both as this bill is amended and in any additional bills that revisit the wilderness issue for other states.

The special management areas for eight units of the national forest system in Idaho generally flow from and implement various provisions of the final forest plans for each of the national forests. However, in our view these provisions should be drafted in a fashion that allows the agency the flexibility to modify the forest plans should new circumstances or new information warrant an amendment to either the plans or their implementation schedule.

Additionally, the statutory language should be modified to clearly indicate that special management area provisions are not by themselves intended to provide an additional standard of review to which the Forest Service might be held accountable as the agency goes about the task of implementing the final forest plans. The special management areas should serve as a means of assuring implementation of the multiple use provisions of the plans in those areas not designated as wilderness in the bill.

More broadly, our experience to date in states with both wilderness bills and final forest plans suggests that the combination of existing release language in forest plans has not resolved the disposition of the released roadless areas.

With increasing frequency, the Forest Service is being forced to prepare environmental impact statements to justify entry into roadless areas in these circumstances. The agency is finding that first the plans do not appear to provide it with the confidence to justify roadless area entry without additional analysis and, second, that standard release language may not be an adequate congressional statement of purpose as to the disposition of these released areas. The special management areas in S. 2055 represent one approach to addressing this problem as they attempt to provide a more specific statement of intent for the future management of these areas.

As an alternative or a complement to the special management area designations, S. 2055 may provide an opportunity to address an issue which is currently encumbering Forest Service management on all areas, both roadless and roaded, and that is the increasing number of administrative appeals levied against Forest

Service decisions. The agency concedes in its May 13 proposed rule that the administrative appeals process is being utilized with increasing frequency as a means of delay. We urge the subcommittee to hold oversight on this issue and to consider changes to the Forest Service appeals process depending upon the outcome of this pending Forest Service rulemaking.

We will provide our detailed comments on the agency's May proposal for the record of this hearing and for the subcommittee's consideration.

As I said, I would summarize my remarks. For the record I would note in passing in addition that NFPA also supports the language on reserved water rights included in the bill.

Thank you very much for the opportunity to testify.

[The prepared statement of Mr. Rey follows:]

Statement For the Record
of the
National Forest Products Association
Before the Subcommittee on Public Lands
Committee on Energy and Natural Resources
U.S. Senate
On
S 2055
The Idaho Forest Management Act of 1988

I. Introduction

This statement is offered on behalf of the National Forest Products Association (NFPA). NFPA is a national industry trade association that represents the interests and views of owners and managers of forest lands, manufacturers of forest products, and affiliated regional and products associations. The NFPA membership includes over 750 direct and associated company members, and over 65 association and allied members. Many members of NFPA are partially or wholly dependent on the national forests, including the national forests in Idaho, as a source of supply for raw materials.

We appreciate the opportunity to offer our comments on S 2055, the Idaho Forest Management Act of 1988. This bill represents the most comprehensive analysis performed to date of the status of national forest roadless areas in Idaho.

II. While A Laudable Attempt to Resolve the Wilderness Question in Idaho, S 2055 Unfortunately Falls Short of Providing the Certainty Necessary to Manage Those Lands Not Designated as Wilderness.

S 2055 is the result of a thorough review of the roadless areas in the National Forests in Idaho. It proposes over 1.4 million acres of new wilderness, creates Special Management Areas comprising an additional 611,000 acres, and attempts to resolve the question of the future management of those roadless areas not designated as wilderness. With respect to the areas designated as wilderness, NFPA defers to our local members concerning the wilderness boundary designations.

With respect to the 611,000 acres of Special Management Areas, NFPA notes that several elements of the Special Management Area concept as it is outlined in this bill may have merit and should be considered further -- both as this bill is amended, and in any additional bills that revisit the wilderness issue for other states.

The Special Management Areas for eight units of the National Forest System in Idaho flow from and implement various provisions of the final forest plans for each of the national forests. These are elements of the plans that the industry generally supports. However, these provisions should be drafted in a fashion that allows the Agency the flexibility to modify the forest plans should circumstances or new information warrant an amendment to either the plans or their implementation schedule.

Additionally, the statutory language should be modified to clearly indicate that Special Management Area provisions are not intended to provide an additional standard of review to which the Forest Service might be held accountable as the agency goes about the task of implementing the final forest plans. The Special Management Areas should serve as a form of plan sufficiency language to assure implementation of the multiple use provisions of the plans in those areas not designated as wilderness in the bill.

Several of our members have expressed particular interest is the Special Management Area designated in Section 103(a)(1) for the Bonners Ferry area of the Idaho Panhandle National Forest. This Special Management Area calls for land allocation and resource trade-offs to be made in implementing the final forest plan for the Idaho Panhandle National Forest. The Forest Service would be able to assure that a certain allowable sale quantity is available, depending upon demand by purchasers in this area. This approach would not compel the Forest Service to provide timber whether or not the market demands it as some have suggested.

More broadly, we would like to note that our experience to date in states with both wilderness bills and final forest plans suggests that the combination of standard, soft-release language and final forest plans has not resolved the disposition of the released roadless areas.

With increasing frequency, the Forest Service is being forced to prepare full-blown Environmental Impact Statements to justify entry into roadless areas. The Agency is finding that: (1) the plans do not appear to provide it with the confidence to justify roadless area entry without additional analysis; and (2) standard release language may not be an adequate Congressional statement of purpose as to the disposition of these released areas. The Special Management Areas in S 2055 represent one approach to addressing this problem, as they attempt to provide a more specific statement of intent for the future management of these areas.

III. S 2055 Misses a Problem Concerning Certainty of Timber Supply -- the Rising Number of Appeals of Forest Service Decisions

As an alternative or complement to the notion of plan sufficiency through Special Management Area designations, S 2055 should address an issue which is currently encumbering Forest Service management on all areas, both roadless and roaded -- the increasing number of administrative appeals levied against Forest Service decisions. The Agency concedes in its May 13 proposed rule that the administrative appeals process is being utilized with increasing frequency as a means of delaying Forest Service activities. Congressional consideration of S 2055 offers an excellent opportunity to review and address this problem.

Therefore, we recommend that, as the Subcommittee considers S 2055, it evaluate needed modifications to the existing Forest Service appeals process. Specifically, the Subcommittee should assess: (1) means of reducing standing for appeals; (2) the possibility of levying filing fees for appeals; or (3) narrowing the standard of review used in Forest Service appeals. Any of these options would be useful in correcting the current appeals problem. We urge the Subcommittee to hold oversight on this issue, and consider changes to the Forest Service appeals process depending upon the outcome of this pending Forest Service rulemaking. We will provide our detailed comments on the Agency's May proposal rule for the record.

IV. Conclusion

NFPA appreciates the opportunity to testify on S 2055. We would be pleased to answer any questions that the Subcommittee may have.

Senator McClure. Thank you.
Mr. Maddock?

STATEMENT OF TODD MADDOCK, DIRECTOR, PUBLIC AFFAIRS, POTLATCH CORP.

Mr. Maddock. Thank you, Mr. Chairman. I also have submitted my comments for the record. I'll summarize them here.

My name is Todd Maddock. I'm director of public affairs for Potlatch Corp. I'm headquartered in Lewiston, ID. Potlatch Corp. has pulp and paper operations and lumber and plywood operations at Lewiston. We have a plywood mill and a sawmill at St. Maries, a plywood mill at Pierce, and a particle board mill at Post Falls. We employ about 3,500 people in the general Clearwater area. We purchase our timber in the Clearwater National Forest and in the St. Joe working circle of the Panhandle National Forest.

First of all, I would like to compliment you and Governor Andrus for the efforts you have undertaken to work out a compromise on this very difficult issue and almost regretfully I guess I would indicate that my purpose here today is to express Potlatch Corp. opposition to S. 2055.

The recent amendments undertaken by you and Governor Andrus have not in our judgment mitigated in any way the negative aspects of this legislation, and our opposition continues to be based upon the fact that this legislation will reduce an already inadequate timber supply in our operating region.

S. 2055 designates approximately 43,000 acres of suitable timberlands as wilderness, thereby removing it from the available timber base established by the new Clearwater Forest plan. A reduction in the timber base will force a recalculation of the ASQ for the entire Clearwater Forest. Our estimate, which has been confirmed unofficially by Forest Service planning experts, is that the loss of suitable acres will equate to a 10 to 12 million board foot reduction in the approved ASQ.

The largest impact is caused by the designation of the Vanderbuilt Hill portion of the Mallard-Larkins area as wilderness. Under the Clearwater Forest plan, this area, approximately 50,000 acres, will be managed for wildlife and timber. It contains approximately 31,000 acres of suitable timberland with a standing inventory in excess of 350 million board feet. The plan also identifies more than 50 million board feet of specific timber sales during the next 10 years which will be precluded by S. 2055.

The wilderness proposal for the Vanderbuilt area is particularly distressing. Following publication of the draft Clearwater Forest plan, the forest products industry worked extensively with the Idaho Fish and Game Department to cooperatively develop management prescriptions for the Clearwater Forest which would provide for both elk management needs and timber harvest. The Vanderbuilt area was a primary focus of this effort which resulted in joint management recommendations subsequently adopted in the final Clearwater National Forest plan. S. 2055 negates this effort.

A similar situation is posed by the inclusion of the Little Moose Creek drainage on the north side of the proposed Kelly-Cayuse wilderness. This area would also be managed for wildlife and timber under the Clearwater plan. It includes nearly 15,000 acres of suitable timberlands and 20 million board feet of planned timber sales during the next 10 years.

I see we are reaching the end of my time. So, let me summarize by indicating that in our view the wilderness proposal by S. 2055 will reduce the allowable sales quantity in the Clearwater National Forest by as much as 12 million board feet and will also set up by law permanent management prescription for over 150,000 acres that will result in highly restricted and potentially economic logging conditions. Potlatch Corp. therefore reluctantly opposes passage of this legislation.

Thank you.

[The prepared statement of Mr. Maddock follows:]

Statement of Todd Maddock

Before the

Senate Resource and Energy Subcommittee

on Public Lands

June 21, 1988

Mr. Chairman and members of the Committee, I am Todd Maddock, Director of Public Affairs for Potlatch Corporation, Idaho Operations. I'm headquartered in Lewiston, Idaho. Potlatch Corporation is a forest products company with operations in Idaho, Minnesota, and Arkansas. We manufacture lumber, wood panels, and a variety of paper products at each of these locations. With over 1.3 million acres of managed timberland, we view ourselves as tree farmers and converters of forest products.

Potlatch's belief in the future of the forest products industry in Idaho is exemplified by our recent $38 million investment in a new state-of-the-art sawmill at Lewiston. In order to supply logs to this new facility and to our other mills in the area we depend upon purchased stumpage to supplement the timber grown on our own lands. National forest timber is critically important to the maintenance of our current level of capacity in Idaho. Our purchases of national forest timber are principly in the Clearwater National Forest and in the St. Joe working circle of the Panhandle National Forest.

The purpose of my testimony today is to express Potlatch Corporation's continued opposition to S. 2055. The recent amendments offered by Sen. McClure and Gov. Andrus will not, in our judgement, mitigate the negative aspects of this legislation. Our opposition continues to be based upon the fact that this legislation will reduce an already inadequate timber supply in our operating region.

S. 2055 designates approximately 43,000 acres of "suitable" timberlands as Wilderness, thereby removing it from the available timber base established by the new Clearwater Forest Plan. A reduction in the timber base will force a recalculation of the ASQ for the entire Clearwater Forest. Our estimate, which has been confirmed unofficially by Forest Service planning experts, is that the loss of suitable acres will equate to a 10-12 MMBF reduction in the approved ASQ.

The largest impact is caused by the designation of the Vanderbuilt Hill portion of the Mallard-Larkins area as Wilderness. Under the Clearwater Forest plan, this area (approximately 50,000 acres) would be managed for wildlife and timber. It contains approximately 31,000 acres of suitable timber land, with a standing inventory in excess of 350 MMBF. The plan also identifies more than 50 MMBF of specific timber sales during the next 10 years, which will be precluded by S. 2055.

The Wilderness proposal for the Vanderbuilt Hill area is particularly distressing. Following publication of the Draft Clearwater Forest Plan, the forest products industry worked extensively with the Idaho Department of Fish and Game to cooperatively develop management prescriptions for the Clearwater Forest which would provide for both elk management needs and timber harvest. The Vanderbuilt area was a primary focus of this effort, which resulted in joint management recommendations subsequently adopted by the final Clearwater National Forest Plan. S. 2055 negates this effort.

A similar situation is posed by the inclusion of the Little Moose Creek drainage on the north side of the proposed Kelly/Cayuse Wilderness. This area would also be managed for wildlife and timber under the Clearwater Plan. It includes nearly 15, 000 acres of suitable timber lands and 20 MMBF of planned timber sales during the next ten years.

Since the planned harvest level for the Clearwater National Forest is already considered to be inadequate, a further reduction is untenable. This bill, if enacted, will set aside over 150,000 acres of special management areas (SMA) in the Clearwater National Forest. While the acreage designated as SMA's will allow timber about one-half of the acreage, 77,000 acres around Cook Mt. in the Kelly-Cayuse area, is to be left permanently unroaded.

The Special Management Areas, although potentially helpful to resolve ongoing disputes over the management of these areas, do not provide additional timber to offset the losses which will result from the Wilderness designations.

The only SMA which may increase the timber available from the Clearwater Forest is the Skull Creek/Copper Creek SMA. In the absence of S. 2055, this area will be managed to preserve its Wilderness characteristics under the Clearwater Forest Plan. However, the SMA contains less that 2,000 acres of "tentatively suitable" timberland, with a maximum potential yield of approximately 2 MMBF/year. More importantly, road access to this SMA will likely be impractical without the timber in the Vanderbuilt area to help amortize the investment.

The Minnesaka Creek SMA would be managed under the Clearwater Plan to "optimize potential timber growing." S. 2055 will change the management of this area to C8S, thereby further reducing the timber yield under the Plan.

The Cook Mountain SMA includes approximately 13,000 acres which would be managed under the Clearwater Plan as C8S. The Cook MOuntain SMA prescription included in S. 2055 is C1, which is much more restrictive than C8S. Subsequently, the timber impact will also be negative.

In sum, the short-term timber impacts from S. 2055 are severe. The forest industry, with the dedicated support of the local community leaders, worked hard to achieve a 13 MMBF ASQ increase in the final Clearwater Forest Plan. S. 2055 negates this entire effort.

The long-term future (8-30 years) of the forest products industry in the Clearwater Valley is dependent on a sustained increase in volume available from Forest Service lands.

The Forest Service study, A Report on Idaho's Timber Supply, confirms the need to increase Forest Service harvest to offset declines from private lands. These increases have two elements. First is the execution of the planned ASQ increase which will occur under the Clearwater plan during the last five years of the current planning period. Second, this increase needs to be maintained or increased during the next planning period for the Clearwater Forest. Neither result is possible under S. 2055.

The designation of suitable lands as Wilderness on the Clearwater Forest will not only cause an immediate reduction in ASQ, but will also make the planned increase during years 10 - 15 of the planning period unattainable.

Further, upon the normal revision of the Clearwater Plan (in 15 years), timberlands necessary to sustain this increase may not be available.

The Wilderness designations in the Clearwater Forest portion of the Mallard--Larkins, exclusive of the Vanderbuilt Hill area, contain approximately 62,000 acres of tentatively suitable timberland, with a standing inventory in excess of 800 MMBF. The primary concentration of this timber is in the areas west of the Primitive Area boundary.

Also of great importance is the Cook Mountain SMA. Most of the timber in this area is currently immature, thus the C1 (roadless) prescription provided by S. 2055 is appropriate for this planning period. However, if this timber is to be available in the future when it is mature, roads will be needed. Thus, the C1 SMA prescription has the identical impact as wilderness.

Completion of the Clearwater Forest road network is essential to the future of the Clearwater valley industry. Particularly important are the Fly Hill Connection road and the Dworshak connection Road. These two road segments allow the timber in the upper Clearwater drainage to be processed competitively by the existing industry.

The industries and communities which depend upon the implementation of the clearwater Plan are deeply concerned that the Forest Service will not be allowed to deliver on their plan commitments.

The Clearwater Forest has already announced their timber program for 1988-1990 will be limited to 140 MMBF/year, not withstanding the Forest Plan ASQ of 173 MMBF/year. The shortfall is due to anticipated appeals of timber sales and road construction projects in roadless areas. Thus, the forest Service is undertaking a whole new series of "area EIS's" , which will be subject to future challenge, in an attempt to execute their plan. These EIS"s will take 2-3 years to complete, and are also subject to appeals and litigation.

The Forest Service ah recently stayed all roadless area timber sales on the Idaho Panhandle Forest, due to an environmental appeal. A similar stay has now been filed on the

Clearwater Forest. Since the Plan, when implemented, will require that 42 percent of its planned annual allowable sale quantity come form the roadless areas, such a stay, if granted , will result in a major disruption of timber supply in our operating area.

In summary, it is our view that the wilderness proposed by S. 2044 will reduce the allowable sale quantity in the Clearwater National forest by as much as 12 million board feet, and will also set up, by law, a permanent management prescription for over 150,000 acres that will result in highly restricted and potentially uneconomic logging conditions. Potlatch Corporation therefore opposes passage of this legislation.

Senator McClure. Thank you very much.

Mr. Riley, I note that you have submitted with your testimony proposed release language, and I think it does very definitely and directly address the question which a wilderness bill cannot address and that is forest management practices on lands not designated as wilderness. All we have attempted to do up to this point is to settle the wilderness issue, and that leaves all the rest of the forest management practices issues subject to challenge. And that's what you're trying to address. I understand that.

I think anybody who has listened to any of the public testimony in the hearings in Idaho or in the hearings here recognizes that this boat can't carry much baggage. If it is afloat at all today, you can't load anything more on it and keep it afloat. So, while I may sympathize with the necessity of trying to deal with the forest management practices question—and I think, indeed, it is a serious question—this vehicle ain't stout enough to carry it. And I will work with you and others who are concerned about how, indeed, we address that question of predictability in the management of the public lands.

Mr. Finley, you have suggested that we achieve a higher ASQ on the Bonners Ferry ranger district. And aside from the language that we have in this bill, is there any positive particular suggestion you have as to how that can be assured?

Mr. Finley. Senator, at this time those groups that I mentioned are working on compromise boundaries up there. They have at this time decided that the Parker Creek drainage is not recommended by any of those folks that are negotiating at this time.

Senator McClure. But there is no timber cut in Parker Creek drainage, is there, under the forest plan?

Mr. Finley. There is not under the forest plan, no.

Senator McClure. So, that has nothing to do with the volume of timber.

Mr. Finley. The other areas are in upper reaches of Smith Creek which joins Selkirk special management area now. They have recommended pulling the area to the north of the management area and to the south of the private lands out of wilderness.

Senator McClure. How much would that affect timber cut?

Mr. Finley. We feel that there is plenty of area in there with enough timber to handle the additional volume that we are looking at, which is about 1.5 million over and above the——

Senator McClure. Over and above the 3½.

Mr. Finley. Over and above the 40.5.

Senator McClure. How do you get from 37 to 40.5?

Mr. Finley. We feel that from our cruises of timber in that area, there's plenty of allowable timber in that.

Senator McClure. I didn't ask if there was plenty there. I asked how you get to that cut. When the forest plans calls for 37 million, how are you going to get above 37 million by any legislation that we could pass or by any other route?

Mr. Finley. We were hoping—and I think those folks in that area were hoping—that if the 40.5, which is in the bill at this time, is achievable, we would like to see that moved to 42 rather than 40.5.

Senator **McClure**. But that's not my question. My question is how do you get to the 40.5 if there isn't anything that varies from the forest plan. The forest plan is for 37. Is that not correct?

Mr. **Finley**. That's correct, yes.

Senator **McClure**. How do you get above 37?

Mr. **Finley**. We're asking for a mandated cut in there.

Senator **McClure**. All right. You want a mandated cut.

Mr. **Finley**. That's exactly what we are asking for.

Senator **McClure**. Thank you. That's all I was trying to find out is how we get there if we don't use the language that we're using.

Mr. **Finley**. We were wanting what was written in this bill, but to raise that from 40.5 to 42 as a mandated cut.

Senator **McClure**. On Bear Creek, you've indicated that you have in the past had a sale in that area under the forest plan as now drafted. Is there any of the area that is included in the proposed wilderness in which you would be permitted to cut timber?

Mr. **Finley**. Not at this time, no.

Senator **McClure**. Not at this time. So, this bill doesn't deprive you of the opportunity any more than the current forest plan does.

Mr. **Finley**. That's correct.

Senator **McClure**. Mr. Mueller, I think you're essentially correct but, you know, I dot I's and cross T's. I think it is not quite accurate to say there has been never before any commercial land included in the boundaries of wilderness. I think there is some small amount that was in the central Idaho wilderness, some small volume in the Hells Canyon National Recreation Area legislation, and a very small volume in the Gospel Hump.

Mr. **Mueller**. Senator, you may be correct, but I think what I was saying is that I am not aware of any commercial forest land that was put into an Idaho wilderness bill—and as you know, I was involved in all of those efforts personally back here—that at that time contributed to the base or contributed to a present allowable cut somewhere in a forest.

Senator **McClure**. Well, that's the statement that I think is slightly inaccurate. But I do believe that there isn't any question—and you may well be right. My recollection may be wrong. But you're certainly correct in indicating this would be the first time that it had any very large effect upon the quantity of timber that might be allowed to be harvested.

Mr. **Mueller**. My concern, Senator, is not so much for the impact as Todd mentioned of the 10 to 15 million feet a year in the allowable cut. That's serious enough. My concern is that we might be setting a very dangerous precedent for the future. It will be easy to say possibly in future wilderness bills that because we have included commercial forest land with no unique scenic or wilderness characteristics in a wilderness bill, it is all right to do it in the future. That concerns us deeply. And that was my only point.

Senator **McClure**. Thank you very much, gentlemen. I appreciate your testimony.

We will hear our last panel: Patty McDonald, Eric Christensen, Peter Hayes and Jim Bensberg.

Congressman Craig?

Mr. **Craig**. Senator McClure, let me thank you very much and apologize to the last group of panelists. I will not be able to stay for the balance of the testimony. I have it. I'll read it as I have read all the others. And I appreciate your interest and your commitment to these issues and the insight you've offered.

And Senator McClure, thank you very much for allowing a person from the other side, as say here on the Hill, to participate by sitting up here with the committee this morning. I appreciate that. Thank you.

Senator McCLURE. You are very welcome here, Congressman, always, and I appreciate the opportunity to share with you the discussions that we must have on the allocation of public lands in Idaho. You are a valuable member of the delegation, and I appreciate your input.

We will first hear from Patty McDonald. I would again remind members of the panel that your statements are filed for the record. They will appear in the record in full as if delivered, and we would invite you to summarize.

STATEMENT OF PATTY McDONALD, ON BEHALF OF THE NATIONAL CATTLEMEN'S ASSOCIATION AND NATIONAL WOOL GROWERS ASSOCIATION

Ms. McDONALD. The Public Lands Council, National Cattlemen's Association and National Wool Growers Association appreciate this opportunity to comment on this legislation.

The livestock industry opposes S. 2055. While we very much like certain provisions of the bill, Idaho already has 3.8 million acres of designated wilderness and the state's cattlemen and wool growers oppose the designation of any new wilderness in their state.

The Wilderness Act of 1964 purported to protect grazing, but the fact is that generally wilderness designation of an area makes livestock much more difficult and uneconomic, if not impossible. For example, Cattleman Vern Agee of Kooskia found Forest Service management policies so restrictive on the Frank Church Wilderness Area that he could no longer operate. The Forest Service cut his cattle numbers, restricted his use and eventually cancelled his allotments because of wilderness designation. There were 13 ranchers who grazed some 800 to 900 head of cattle in the wilderness area or adjoining it who reportedly were all treated the same way. As a result, none of them grazes livestock there today.

The 95th Congress recognized these problems when it stated in a House report to the Colorado wilderness bill that "national forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management." That report provided a set of guidelines for the Forest Service to follow in managing grazing in wilderness.

Unfortunately, there are still serious problems. Predator control by hunting or trapping wilderness is virtually impossible. Controlling noxious weeds, such as Russian thistle and leafy spurge cannot be used. Ranchers have had to tear down structures, such as corrals and frames for camps. Trails deteriorate and become impassable, and it's very difficult to remove large timber from trails without chain saws. Ranchers have been prohibited from using mechanical equipment to repair roads, which the Forest Service calls "ways," and have been forced to fix them with only a pick and shovel in instances. In one case a rancher who needed to fix a reservoir he had used for years was forced to haul scrapers, lumber, cement in by helicopter, which was then not allowed to land. Besides being absurd, this increased labor cost impaired the operation and maintenance of the water rights and reduced the value of the ranch.

All of that said, we consider a number of the provisions in S. 2055 to be a vast improvement over current management practices in wilderness. Its prohibition of Federal reserved water rights, its definition of roads, its protection of motor vehicle use, water developments and predator control are all excellent provisions. We are particularly pleased to see the water language and protection of state water rights which the livestock industry views as essential to the enactment of any wilderness legislation. We applaud the authors of this bill for including these provisions, and we're very pleased that the senior Senator from Idaho will insist on their inclusion in any final piece of legislation.

While we urge the defeat of any additional wilderness designation in Idaho, the livestock industry urges Congress to enact these above-mentioned provisions as part of any and all new wilderness bills and ideally so as to apply to all existing wilderness.

One final point. Immediately following the field hearing on this bill in Boise in March, I understand that a Boise television station conducted a call-in poll of its viewers during the 6 o'clock news asking them does Idaho need more or less wilderness. Over 2,000 viewers in the most urban area of Idaho responded by the 10 o'clock news. Sixty-four percent of them responded that Idaho needs less, not more, wilderness. We believe opposition to any additional wilderness in Idaho is even stronger in rural areas, and on that basis, we urge your defeat of this bill.

Mr. Chairman, I would respectfully request that several documents be included in the record with my statement.

Senator McClure. They will be included as a part of your statement.

[The prepared statement of Ms. McDonald follows:]

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TESTIMONY

on behalf of the

PUBLIC LANDS COUNCIL

NATIONAL CATTLEMEN'S ASSOCIATION

and

NATIONAL WOOL GROWERS ASSOCIATION

before the

United States Senate
Subcommittee on Public Lands,
National Parks, and Forests

June 21, 1988

on

S. 2055

"Idaho Forest Management Act"

by
Patty McDonald
Executive Director, Public Lands Council
Director of Public Lands, National Cattlemen's Association

The Public Lands Council represents the 27,000 western ranchers who graze cattle and sheep on federal lands in 13 western states, and coordinates the public land policies of the National Cattlemen's Association, National Wool Growers Association, and the Association of National Grasslands. The National Cattlemen's Association is a non-profit trade association representing approximately 230,000 professional cattlemen throughout the nation, including individual members, 48 affiliated state cattle associations, and 23 affiliated national breed organizations. The National Wool Growers Association represents the nation's 113,000 lamb and wool producers, including 38 state organizations, associated organizations and companies, and individual members.

The Public Lands Council, National Cattlemen's Association and National Wool Growers Association appreciate this opportunity to comment on S. 2055, the Idaho Forest Management Act.

The livestock industry opposes S. 2055. While we very much like certain provisions of this bill, Idaho already has 3.8 million acres of designated wilderness, and the state's cattlemen and wool growers oppose the designation of any new wilderness in their state.

The Wilderness Act of 1964 purported to protect grazing, but the fact is that generally wilderness designation of an area makes livestock grazing much more difficult and uneconomic if not impossible. For example, cattleman Vern Agee of Kooskia found Forest Service management policies so restrictive on the Frank Church Wilderness Area that he could no longer operate. The Forest Service cut his cattle numbers, restricted his use, and eventually cancelled his allotments because of wilderness designation. There were 13 ranchers who grazed some 800-900 head of cattle in the wilderness area or adjoining it who were all treated the same way. As a result, none of them graze livestock there today.

The 95th Congress recognized these problems when it stated in the House report to the 1980 Colorado Wilderness bill that "national forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management." That report provided a set of guidelines for the Forest Service to follow in managing grazing in wilderness.

Unfortunately, there are still serious problems. Predator control by hunting or trapping in wilderness is virtually impossible. Reasonable methods for controlling noxious weeds such as Russian thistle and leafy spurge cannot be used. Ranchers have had to tear down structures such as corrals and frames for camps. Trails deteriorate and become impassable, and it is very difficult to remove large, fallen timber from trails without a chain saw. Ranchers have been prohibited from using mechanical equipment to repair roads, which the Forest Service calls "ways", and have been forced to fix them with only a pick and shovel. In one case a rancher who needed to fix a reservoir he had used for years was forced to haul scrapers, lumber, cement, etc. in by helicopter, which was not allowed to land. Besides being absurd, this increased labor costs, impaired the operation and maintenance of the water rights, and reduced the value of the ranch. And the list goes on.

Idaho's livestock industry opposed S. 2055 as introduced because it added another 1.4 million acres to the state's wilderness system and 600,000 acres of special management areas. Additions announced last week add yet more wilderness acreage to the bill, which makes it all the more objectionable. We are concerned that the people of Idaho have not had sufficient opportunity to comment on these additional changes, and hope they will have the chance to do so.

All that said, we consider a number of the provisions in S. 2055 to be a vast improvement over current management practices in wilderness. Its prohibition on the creation of federal reserved water rights, its definition of roads, and its protection of motor vehicle use, water developments, and predator control are all excellent provisions. We are particularly pleased to see the water language and protection of state water rights, which the livestock industry views as essential to the enactment of any wilderness legislation. We applaud the authors of this bill for including these provisions, and trust that they will insist on its inclusion in any final piece of legislation.

While we urge the defeat of any additional wilderness designation in Idaho, the livestock industry urges Congress to enact the above-mentioned provisions of S. 2055 as part of any and all new wilderness bills and ideally as amendments to the original Wilderness Act of 1964 so as to apply to all existing wilderness.

One final point. Immediately following the field hearing on S. 2055 in Boise on March 11th, a Boise television station conducted a call-in poll of its viewers during the six o'clock new, asking, quote -- "Does Idaho need more or less wilderness?" -- unquote. Over two thousand viewers in the most urban area of Idaho responded by the ten o'clock news. The results? Sixty-four percent of urban viewers responded that Idaho needs less -- not more -- wilderness. We believe opposition to any additional wilderness in Idaho is even stronger in rural areas, and on that basis, we urge your defeat of S. 2055.

Mr Chairman, I would like to request that a copy of PLC's resolution on wilderness and federal reserved water rights, the affidavit of Vernon W. Agee, and an article entitled "When A Road Is Not A Road" also be included in the hearing record.

PUBLIC LANDS COUNCIL RESOLUTION -- 1987

WILDERNESS AREAS

BE IT RESOLVED, that the Public Lands Council believes that any wilderness legislation passed by Congress should:

1. Designate as wilderness only those areas that meet the criteria specified in the Wilderness Act of 1964;
2. Not designate as wilderness those areas which have been gerrymandered to include non-wilderness corridors which contain roads;
4. Allow livestock permittees to use motorized, mechanized equipment in wilderness areas to promptly and economically care for livestock, range or water improvements, fences, etc., and to provide for predator control;
5. Recognize state water rights and provide that the wilderness areas are not subject to the doctrine of federal reserved water rights;
6. Allow for increased grazing in wilderness or wilderness study areas when range conditions permit;
7. Specify what currently inactive or vacant allotments indicated that grazing had previously been "established" within the meaning and intent of the Wilderness Act of 1964 and that grazing on such allotments within wilderness areas can resume when range or economic conditions allow;
8. Amend the Wilderness Act of 1964 to require that an economic impact statement be prepared for any area identified, or under study, prior to enactment of legislation establishing such wilderness areas.

BE IT FURTHER RESOLVED, that the Public Lands Council supports inclusion of the following language in any and all legislation designating wilderness areas:

> "No provisions of this Act or any other act of Congress designating areas as part of the National Wilderness Preservation System, nor any guidelines, rules or regulations issued thereunder, shall constitute the establishment of an expressed or implied right to the aquisition, diversion, appropriation, use or flow of water to the federal government because of the designation except in full compliance with states' water laws."

BE IT FINALLY RESOLVED, that the Public Lands Council opposes any wilderness legislation until such time as the question of reserved water rights on federal lands is resolved.

AFFIDAVIT OF

VERNON W. AGEE

I am 52 years old and I have ranched in Idaho all of my life. My family had a grazing allotment adjoining a Wilderness area which was created in 1964.

After the creation of the Wilderness area the Forest Service began increasing the restrictions on our grazing operation, making changes in our periods of use and reducing the number of cattle we were permitted to graze. The Forest Service discontinued one allotment due to the proximity of the Wilderness area.

There were 13 different ranchers who grazed either in the Wilderness area or in the adjoining area. They were all treated the same way as a result of the Wilderness. None of them presently graze livestock in that area.

DATED this 27th day of January, 1986.

Vernon W. Agee
VERNON W. AGEE

STATE OF IDAHO)
) SS.
COUNTY OF Idaho)

On the 27th day of January, 1986, personally appeared before me, a Notary Public, VERNON W. AGEE, who acknowledged that he executed the foregoing instrument.

NOTARY PUBLIC

When A Road Is Not A Road

by Don Fife and Ralph Pray

A funny thing is happening in Washington these days, roads are disappearing...on paper! The old wagon road, now dirt road, considered by desert travelers for centuries to be the main thoroughfare from point to point anywhere in the California Desert, is being redefined as a "non-road" or "way", apparently in order to reclassify the surrounding land as "roadless" and, therefore, eligible for Wilderness Study consideration. Are these roadways "roads" or not?

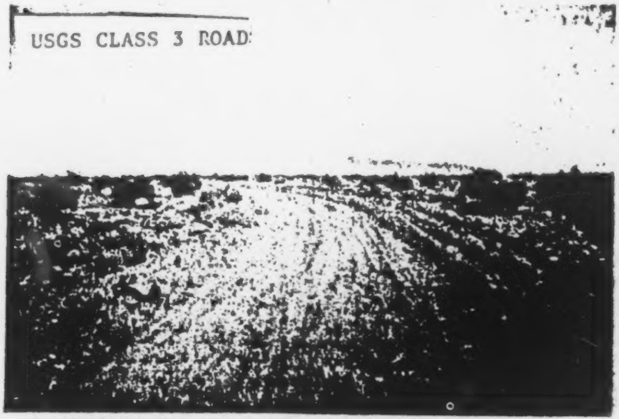
In 1964 five classes of roads were defined by the Geological Survey (USGS). The survey published official maps for more than 80 years before the 1964 Wilderness Act. Their definition of a road in 1984 was what Congress intended when the Act used the terms "road" and "roadless". They are:

Class 1: Primary highway, Federal and State,
Class 2: Secondary highway, State and County,
Class 3: Light Duty, paved or improved,
Class 4: Unimproved, unsurfaced, including track roads in desert areas, designated on maps by two parallel dashed lines, and
Class 5: Trails (single dashed line), road passable only with a 4-wheel-drive vehicle. Jeep trail.

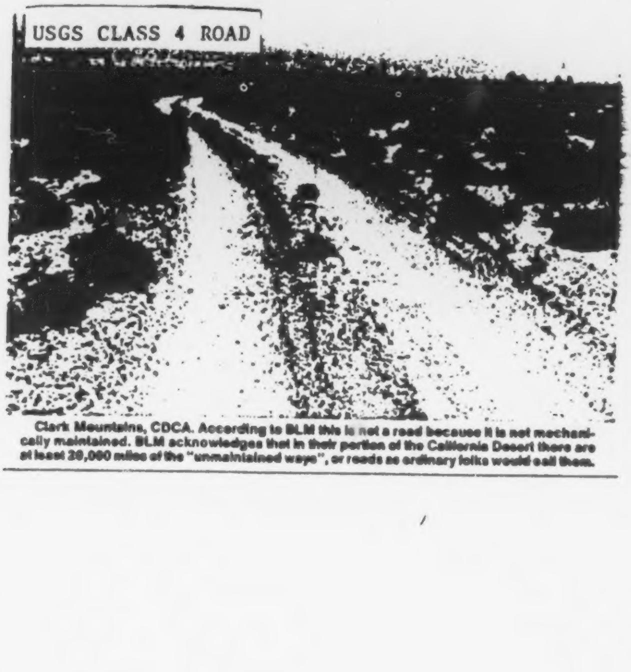
Today, for every mile of Primary, Secondary, and Light Duty roadway in the desert, there are 50-100 miles of unimproved, track roads. This type of road is commonly a primitive road, frequently of just two tracks, but it is the principal type of road to most of the desert. Thousands of miles of Class 4 roads, once wagon roads, exist in the desert, which now see daily auto traffic.

However, these "Desert Freeways" are losing their centuries-old status in the name of wilderness protection. According to the 1964 Wilderness Act (PL88-577), no land can be designated a Wilderness area unless it is "roadless". The Wilderness Provision (PL94-579) specified an Area to be 5,000 acres or more and stipulated that it be "roadless", meaning that no "roads" could be contained within a 5,000 acre parcel for wilderness consideration. If the Act was passed to isolate a few mountain tops and a few million acres as "untrammeled, undeveloped, primeval federal land having no permanent improvements", how can these roads be hidden or ignored?

In the 70s, pro-wilderness bureaucrats and their environmental allies redefined the term "road" to mean only those "graded or maintained by mechanical equipment on a regular basis". This conveniently made available additional millions of acres full of existing Class 4 roads, presently utilized by the recreationist, grazer, and miner, for Wilderness consideration. This makes Class 3 roads the most primitive of auto routes. What about



Road into Soda Springs near Baker, California in the CDCA. According to BLM this does qualify as a road but the road pictured below does not. This road has loose gravel easy to get stuck in while the road below is hard and needs no maintenance.



Clark Mountains, CDCA. According to BLM this is not a road because it is not mechanically maintained. BLM acknowledges that in their portion of the California Desert there are at least 20,000 miles of the "unmaintained ways", or roads as ordinary folks would call them.

the unimproved dirt roads and jeep trails? In effect, they have been "wiped off" the legislative map. Since these roads technically do not exist, the land is now available for Wilderness designation!

The BLM executed the new definition and arbitrarily redefined the word "road" carrying out the delusion that *a road is not a road!* BLM stated that "within these inventoried areas there frequently are a number of 'ways' and 'trails' which do not qualify as roads, although they are used as 'routes of travel.'" This description sounds very much like the USGS Class 5 road. BLM also says: "a way maintained solely by the passage of vehicles does not constitute a road".

Their definition has several problems. If a road is of such natural integrity that periodic grading is not necessary, can it be eliminated as a road by some planner just because it is not mechanically maintained?

The BLM interpretations concerning desert roads are inaccurate and self-serving. Hundreds of large areas of California Desert were taken from multiple-use by the simple dirty trick of changing the meaning of a word. Class 4 roads are human developments; they are permanent improvements. Therefore, the land containing them cannot and should not be considered as Wilderness under the 5,000 acre roadless requirement. Apparently, a road is not a road if an area is a candidate for proposed or future Wilderness! □

Ms. McDonald. Thank you.
Senator McClure. Thank you.
Mr. Christensen.

STATEMENT OF ERIC CHRISTENSEN, IDAHO SPORTSMEN'S COALITION

Mr. Christensen. Good morning. My name is Eric Christensen. I'm a member of the Idaho Sportsmen's Coalition which is an association of 11 sportsmen's and conservation organizations from throughout the State. Behind me is Mr. Ron Mitchell who is executive director of the coalition.

The coalition opposes S. 2055 because it omits many important areas from wilderness consideration and because we believe the special management provisions included in the bill are inappropriate and ill-conceived and will undoubtedly set a dangerous precedent that will significantly harm wilderness proposals in other states, as well as in Idaho.

I will limit my testimony to two of the special management areas that are of particular concern to me, those proposed for French Creek and the south fork of the Salmon River.

With respect to the French Creek special management area proposal, we are deeply concerned because the proposal would mandate that logging occur in sensitive and important wildlife habitat. The proposal includes provisions to protect wildlife habitat, but the nature of the French Creek ecosystem assures that these protections will fail if logging proceeds. There are a number of specific flaws in the proposal.

First, the proposed guidelines for protecting French Creek's prime elk habitat are nothing special. In fact, they are virtually identical to the guidelines imposed forestwide in the 1985 draft forest management plan for the Payette National Forest despite the uniqueness of French Creek as a critical elk habitat.

Second, the roading necessary to log French Creek will impair French Creek's critical elk habitat. Roading greatly diminishes the effectiveness of habitat for elk, reducing effectiveness by approximately 20 percent per mile of road in each square mile of habitat. Further the harvest plan calls for timber cutting over a long period so the continual disturbance of the herd is virtually guaranteed. This disturbance is likely to continue even after logging has ceased because enforcing the road closures called for in the proposed guidelines will be problematic at best.

Third, timbering will alter the habitat over the long term resulting in desiccation and the disappearance of the moist bogs and meadows essential for elk. This is, in fact, what occurred following logging in the nearby area just over Bear Pete Ridge. The French Creek proposal calls for protection of wallows and licks during timber harvest, but enforcement of this provision will be virtually impossible because French Creek is in fact nothing but a continuous series of wallows and licks.

A large elk herd depends on the habitat at French Creek, and a serious decline in that herd will occur if logging proceeds. This would undercut the tourism economy that has evolved in nearby McCall, and would greatly reduce the hunting and other recreation opportunities of members of the Idaho Sportsmen's Coalition, as well as the many visitors who come from around the country to enjoy the recreational opportunities provided by Idaho's large wildlife populations.

We are also greatly concerned about the proposed special management area for the south fork of the Salmon River. We believe the proposal simply will not protect, let alone improve, the precious salmon habitat of that river. Rather, the bill mandates a repetition of the south fork's sad history. As you know, at one time the south fork produced 55 percent of all the summer chinook salmon in the entire Columbia River drainage, a run valued at over $100 million annually. This came to an abrupt halt in the late 1950s and early 1960s when extensive logging damaged the habitat severely.

We believe that the BOISED sediment model called for in the bill is entirely inappropriate. The user's manual for the bill indicates that it should not be used to design projects for mitigation treatments and should not be used to predict the amount of sediment damage that will occur from a given activity.

For these reasons, we oppose the bill and we hope that a more appropriate resolution to the wilderness issue in Idaho can be worked out. Thank you.

[The prepared statement of Mr. Christensen follows:]

TESTIMONY OF ERIC CHRISTENSEN, MEMBER OF THE IDAHO SPORTSMEN'S COALITION ON IDAHO WILDERNESS BILL S. 2055 BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, JUNE 21, 1988.

My name is Eric Christensen. I am a member of the Idaho Sportsmen's Coalition, an association of eleven sportsmen's and conservation organizations from throughout Idaho. With me is Mr. Ron Mitchell, Executive Director of the Coalition. The Coalition opposes S. 2055 because it omits many important areas from Wilderness consideration and because we believe the special management provisions included in the bill are inappropriate and ill-conceived and will undoubtedly set a dangerous precedent that will significantly reduce the opportunities available for sportsmen and recreationists in other states as well as in Idaho.

This morning I would like to briefly discuss two Special Management Areas, those proposed for French Creek and the South Fork of the Salmon River.

A. Special Management Provisions Undermine the NFMA and Mandate "Hard Release" of the Areas

Both of these proposals share certain common problems. By mandating specific types of land management in these areas, S. 2055 undermines the National Forest Management Act (NFMA) by short-circuiting its public input and review requirements and by ignoring its watershed and wildlife protection provisions. For instance, the proposed South Fork of the Salmon River special management area calls for "no net increase" in sediment loads, thus locking the river into its current condition, where sediments from past logging operations have reduced its fish production possibilities to 55% of capacity. This ignores substantial public comment submitted in response to the proposed national forest plan for the area that was virtually unanimous in calling for 90% to 100% recovery of fish habitat. The special management areas mandate these often untried land management techniques in perpetuity, removing any discretion the Forest Service has in correcting mistakes and fine-tuning based on experience.

In addition, these special management proposals contain what is essentially super-"hard release" language by mandating timber harvest, thus eliminating the areas from future consideration as Wilderness and locking in subsidies to the timber industry in the form of below-cost timber sales. These provisions are completely unprecedented in any other Wilderness bill and, therefore, set a dangerous example for Wilderness proposals in other states.

B. French Creek Special Management Area

The French Creek Special Management Area proposal mandates that logging occur in sensitive and important wildlife habitat. The proposal includes provisions to protect wildlife habitat, but the nature of the French Creek ecosystem assures that these protections will fail if logging proceeds. There are a number of flaws in this proposal.

First, the proposed guidelines for protecting French Creek's prime elk habitat are nothing special. In fact, they are virtually identical to the guidelines imposed forest-wide in the 1985 draft forest management plan for the Payette National Forest.

Second, the roading necessary to log French Creek will impair French Creek's critical elk habitat. Roading greatly diminishes the effectiveness of elk habitat, reducing effectiveness by approximately 20% per mile of road in each square mile of habitat. Further, the harvest plan calls for timber cutting over a long period, so that continual disturbance of the herd is virtually guaranteed. The disturbance is likely to continue even after logging has ceased because enforcing the road closures called for in the proposed guidelines will be problematic at best.

Third, timbering will alter the habitat over the long term, resulting in desiccation, and the disappearance of the moist bogs and meadows essential for elk. This is in fact what occurred following logging in the nearby area just over Bear Pete ridge. Section 103(a)(5) calls for protection of wallows and licks during timber harvest, but enforcement of this provision will be virtually impossible because the French Creek area is nothing but a continuous series of wallows and licks.

A large elk herd depends on the habitat in French Creek and a serious decline in that herd is inevitable if logging proceeds. This would undercut the tourism economy that has evolved in nearby McCall, and would greatly reduce the hunting and other recreation opportunities of members of the Idaho Sportsmen's Coalition as well as the many visitors who come from around the country to enjoy the recreational opportunities provided by Idaho's large wildlife populations.

The proposed special management provisions are also woefully inadequate to protect the key fish habitat found in French Creek. The bill states without elaboration that "[f]ish habitat and water quality shall be maintained or improved." However, this goal cannot be fulfilled if timber harvest occurs because the soils of French Creek are delicate batholith soils, which are subject to heavy erosion and mass wastage if disturbed. If logging occurs, heavy siltation of the key anadromous fish habitat in French Creek is inevitable. Professional fish biologists have testified that it will be impossible to maintain fish habitat while harvesting timber on French Creek.

In sum, the proposed French Creek Special Management Area will not adequately protect the fish and wildlife resources of French Creek. A far better alternative is to place French Creek into the national Wilderness system.

C. South Fork of the Salmon River Special Management Area

The proposed special management area for the South Fork Salmon River simply will not protect, let alone improve, the precious salmon habitat of that river. Rather, the bill mandates a repetition of the South Fork's sad history. At one time, the South Fork produced 55% of all the summer chinook salmon in the entire Columbia River drainage, a run valued at over $100 million annually. This came to abrupt halt in the late 1950s and early 60s when extensively logging in the upper tributaries of the

South Fork produced massive siltation that virtually destroyed the salmon spawning and rearing habitat of the South Fork. The river has gradually flushed itself out, and has now stabilized at about 55% of habitat capacity, although the salmon populations are still 97% below what they once were.

The special management provisions are flawed in a number of respects. First, the one mile wide no-timber-cutting corridor is inadequate because it does not protect the upper reaches of the South Fork's tributaries, precisely the areas where the vast majority of the damage was inflicted in the old timber cuts. Second, siltation is allowed in the river as long as it is removed, and removal techniques are currently of questionable effectiveness. Third, the provision locks in deficit timber sales. The 7 million board feet of timber proposed for harvest in this drainage in the 1985 draft forest plan would produce a loss of at least $1.2 million per year to the treasury.

Finally, the effectiveness of the erosion control and mitigation called for in this section is entirely dependent on the effectiveness of the BOISED sediment model, which the bill mandates as the means for monitoring the additional sediment load created by logging in the drainage. BOISED is simply inadequate for the task. Three quotes from the Forest Service's BOISED User's Manual should demonstrate this fact:

> --"It is not desirable to use the BOISED computer program to design projects and mitigation treatments." § 1.2.
>
> --". . .the BOISED program does not calculate sediment

> generated off the site of an activity (such as below roads) but resulting from the activity." Id.
>
> --"Significant damage to aquatic habitat from sediment deposition may occur prior to reaching the depositional threshold [signalling stream damage]." Id. at § 3.1.

BOISED calculates sediment load in terms of average annual yields and cannot account for major storm events like those that devastated the South Fork in earlier years. Nor does the model account for mass erosion generated by clear-cutting, but only for erosion from road-building. Id. at § 1.1. The deposition values used in BOISED are only theoretical and have not been verified by actual data from the field. Id. at App. 5-B. In sum, BOISED simply cannot insure that the South Fork's fish habitat is not harmed.

Because it is simply impossible to log the South Fork without greatly damaging the magnificent river and its increasingly precious salmon spawning habitat, the entire watershed should be designated as wilderness. This will allow the river to gradually heal itself so that it may return to its former greatness as a fishery.

The Idaho Sportsmen's Coalition would like to thank the Committee for this opportunity to testify. We hope you will take our comments into consideration in trying to reach a more appropriate resolution of the Wilderness issue in Idaho.

Senator McClure. Thank you.
Mr. Hayes.

STATEMENT OF CHARLES HAYES, MEMBER, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION, ACCOMPANIED BY JIM WEBBER, MEMBER, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Mr. Hayes. Thank you, Mr. Chairman. My name is Charles Hayes. I'm a member of the Nez Perce Tribal Executive Committee. Also within that committee I am the chairman of the Fish and Wildlife Subcommittee which is a member of the Columbia River Inter-tribal Fish Commission composed of the fish and wildlife committees of the Umatilla Indian Reservation, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon. Four tribes have treaty rights to take fish that pass their usual and accustomed fishing places. Among these fish are the anadromous species that originate in Idaho.

As we reviewed the contents of S. 2055, in our estimation it is completely absent of the government-to-government relation that was established by President Reagan, a policy that he came out with on the government-to-government relationship with federally recognized Indian tribes. It has been stated many times here and also in the field hearings that it was a compromise. Yet, within the bill we see nothing that was devoted or aimed at the wishes of the Nez Perce Tribe or any of the other tribes in Idaho.

We were especially dismayed that there was no consideration for archaeological and cultural sites within our reservation and ceded areas. Yet, there was consideration given to roads, to old miners' shacks, to log cabins of the old traders and other things like this, and nothing was provided for the preservation of the archaeological and cultural sites of the Nez Perce Tribe.

Nothing within the bill was addressed to the preservation and the restoration of the anadromous fish runs into the Clearwater Basin which specifically goes through the Nez Perce Reservation. We are involved at this time in the process of the sub-basin planning which comes about from the Northwest Power Act. The Nez Perce Tribe is involved in the Clearwater River basin, the Salmon River basin, Snake River basin, also the Grande Ronde and Manaha in Oregon, also the Tucanon River in Washington. These were all parts of the original boundary of the reservation.

I might say at this point that there is two species of fish that have been severely depleted, one to the point of extinction. The Snake River coho was declared extinct two years ago. In 1985 there were 14 returned over lower Granite Dam. In 1987 there was one. The fall chinook at this time is being placed on the candidate list which is one step further into the threatened and endangered. The summer chinook and spring chinook are severely depleted. And these are the fish that we are concerned with—the habitat. There is much habitat available that we need to use in our ceded area on the reservation. And it would be remiss on our part to not take this opportunity to restore and enhance this habitat that is so badly needed.

As Senator McClure stated earlier, much of the problem is in the fish passage, and that is a fact. There are many things I think that are contributing to the trend that we are witnessing right now in the upswing of the anadromous fishery in Idaho. I think the most important one that was recently concluded was the United States-Canada Salmon Interception Treaty which gave us a good handle on the harvest on the ocean, and at this time is coming up for a 5-year review. We believe that this, together with improved fish passage, that barging the fish around some of the dams and also the improving of the habitat and the increasing of the production in the hatcheries—all these are contributing factors. And I think, however, we need to put more effort into the restoration and enhancement of the habitat of these anadromous fish and to make use of every inch possible that we have at our command.

Mr. Chairman, I have on my right side Mr. Jim Webber. He's a member of the staff of the Columbia River Inter-tribal Fish Commission. We have worked together on many of the water issues.

In 1984 we had a meeting in Boise, Idaho with the Idaho State Legislative committees on water resources and also the Water Resource Board. This was a time when the Snake River adjudication was being contemplated. At that time we indicated to the State of Idaho and the Water Resources Board that the Nez Perce Tribe was not only interested in quantity but quality water.

Since that meeting there have been amendments passed to the Clean Water Act which allows tribes to be treated the same as states in regard to water quality. The Nez Perce Tribe at this time is pursuing that status.

Mr. Chairman, it was announced at the beginning of the hearing today that there would be 2 weeks for additional comment. We have within the Nez Perce Tribal Executive Committee another committee that deals in this area, our Natural Resources Committee. And I would like to mention that they will be sending comments forward.

[The prepared statement of Mr. Hayes follows:]

TESTIMONY OF THE NEZ PERCE TRIBE

AND

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

REGARDING S. 2055

BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

JUNE 21, 1988

Mr. Chairman, members of the Committee, thank you for inviting the Nez Perce Tribe and the Columbia River Inter-Tribal Fish Commission to provide testimony on this bill. The Commission is composed of the Fish and Wildlife Committees of the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe. These four tribes have rights reserved by treaty to take fish that pass their usual and accustomed fishing places. Among these fish are the anadromous species that originate in Idaho.

Since time immemorial, salmon and steelhead have furnished our people with food that sustains not only our bodies but also our spiritual and cultural existence. That is why we reserved the right to take fish in our treaties with the United States by which we ceded our claims to millions of acres thereby making the settlement of the Northwest possible. This reserved right has, in several cases before the federal courts, been interpreted to implicitly include the right to protection of the habitat and water quality and quantity upon which the expressly reserved right depends.

Many of the naturally spawning salmon runs of the Columbia and its tributaries, particularly Snake River spring and summer chinook, are extremely depressed. But since these fish are so important to the cultures and economies of both Indians and non-Indians, a massive program is underway to remedy this serious problem. Elements of this federally mandated program include the Lower Snake River Compensation Plan, the Pacific Northwest Electric Power Planning and Conservation Act of 1980, and the United States-Canada Pacific Salmon Interception Treaty.

The Pacific Northwest Electric Power Planning and Conservation Act of 1980 recognized the plight of our salmon by requiring the preparation of a Fish and Wildlife Program to be implemented by the Bonneville Power Administration and federal water managers. Promulgated in November of 1982, that Program has as its chief goal the restoration of naturally spawning runs in the Columbia and Snake river systems. Its projected cost in capital expenditures alone is between $650 and $740 million. Those expenditures are expected to be repaid tenfold by the economic benefits of returning salmon and steelhead. However, without the protection of key spawning and rearing habitat such as that contained in areas proposed for wilderness by the Nez

Perce Tribe and the Commission, the benefits of the Fish and Wildlife Program may be unnecessarily and inexcusably undermined.

As co-managers of the Columbia and Snake River salmon and steelhead resources, we recognize the need for fishery management coordinated between tribal, state, and federal managers. Recent experience has demonstrated that the fish are the main losers in turf battles between competing jurisdictions and that is why the fishery managers of the Pacific Northwest have been active participants in the implementation of the United States-Canada Pacific Salmon Interception Treaty. This Treaty obligates the United States to restore naturally spawning chinook stocks by 1998. We are shocked to discover that, despite this federal commitment, not one single inch of the Clearwater River Basin that is accessible to anadromous fish would be designated wilderness by this bill! Restoration of Clearwater River salmon and steelhead runs is absolutely essential to the fulfillment of the Pacific Salmon Interception Treaty and the federal government's treaty with the Nez Perce Tribe and the other Columbia River treaty tribes.

Much of the habitat that supported the formerly huge runs of salmon and steelhead is no longer available because human activities such as mining, logging, road-building, and livestock grazing have made it unsuitable. If there is an example of

Forest Service development activity that benefits fish, we are not aware of it. The experience of the Nez Perce Tribe, the Commission, and its technical staff indicates that fish are the resource expended when the national forests are developed for other economic activities, and we therefore respectfully request that you conserve the roadless and undeveloped character of areas that harbor fish habitat by designating them wilderness. For your information, we have attached a listing of the roadless areas that are important for spawning or rearing.

One of the unique aspects of the proposed Idaho Forest Management Act of 1988 is its creation of "Special Management Areas." These Special Management Areas are problematic in several respects. First, they essentially constitute backdoor "hard release" provisions in that they mandate development of areas not recommended for wilderness designation. Second, these Special Management Areas were created without consultation with regional fish managers and without regard for federal fish restoration efforts. Third, not only will they not protect fish habitat, they seriously undercut broadly supported efforts to restore habitat.

For example, the South Fork Salmon River Special Management Area suffers from all of these defects. The language proposed in this bill would effectively undo significant progress made over the past several years toward creating the foundation of a broadly supported management scenario for the South Fork drainage. Much of that progress has come about as a result of a consensus-seeking process initiated by the Payette National Forest. One of Senator McClure's staff-people participated in this group.

During the process, management of the South Fork drainage was the primary discussion topic, and several key points emerged in that regard:

1). Anadromous fish (summer chinook and steelhead) must be recognized as the pivotal resource in the drainage;

2). Efforts to restore damaged fish habitat there must begin immediately;

3). After initial gains in terms of restored fish habitat are made, timber management may again be initiated.

During subsequent meetings a plan endorsing these concepts evolved. (Unfortunately, that plan is totally ignored by this bill.) It came to be known as the "step plan" because it incorporated phases of habitat restoration followed by timber harvest. A group of restoration projects designed to reduce fish-limiting sediment inflow to the South Fork would first be implemented and, after its completion, a small amount of timber harvest could be scheduled. Simultaneously, a second group of habitat projects would be started and, once successfully completed, these could also be followed by timber harvest. This process would continue until sediment inflow to the South Fork was significantly reduced, and enough restored fish habitat was available to support fishable populations. At that point the possibility of increasing the timber harvest level in relation to the ongoing restoration work could be considered. But continuation of sediment-producing activities, such as logging, would remain contingent upon maintaining an improving sediment trend and, eventually, achieving something approaching natural in-river sediment levels. Although the interim sediment objectives have not yet been agreed on, fish would continue to be the primary resource of concern, with other activities permitted only insofar as fish were not adversely affected by them.

The special management language proposed by this legislation would undo everything that the group participants worked to achieve.

First, the bill only considers that portion of the South Fork north of the Boise/Payette National Forest boundary. It ignores the fact that significant sediment inflows occur upstream of the proposed special management area and that these could effectively neutralize any gains made through special management of downstream reaches.

Second, the proposed special management only requires a standard of "no net increase in sediment deposit." In other words, if an activity resulted in one ton of new sediment being delivered to the river then mitigation would also amount to removing (or preventing entrance of) only one ton of sediment--a one-to-one ratio. Adopting this approach condemns the South

Fork to remaining in its presently degraded state, and thus offers little hope of our ever restoring the fish or the fisheries. It also completely undermines the approach developed by the consensus group, which incorporated a ten-to-one ratio of sediment removed or prevented to sediment entering the river.

Further, for purposes of determining the amount of needed mitigation, this legislation mandates reliance on **predictions** of new sediment made through use of a largely unvalidated sediment model (BOISED) that, to date, has typically underestimated actual amounts of new sediment resulting from a given activity.

Finally, if this legislation is enacted, mitigation would be achieved by **removing** sediment **after** it reaches the stream. In the step plan, emphasis was placed on **preventing** sediment from reaching the stream in the first place.

In the final analysis, the proposed Special Management language does nothing to ensure that the existing degraded conditions in the South Fork will ever be improved. At best, it simply maintains the status quo, a condition deemed intolerable by recent federal legislation and recognized as such by every concerned entity in the Basin. Special Management Area designation does nothing to help, and in many cases only aggravates existing problems.

Archaeological and cultural resources are also very important to the Nez Perce Tribe. Although the bill appears to provide protection to archaeological and cultural sites, this protection is illusory because the Bill only refers to "structures" such as "ranch, homestead, trapper, and other cabins and structures." Many Indian archaeological or cultural areas such as burial sites would not fit this description. Moreover much of the land that would contain important tribal sites is not designated wilderness by this Bill.

Mr. Chairman and members of the Committee, like the circle of migration completed by our salmon every few years, the protection of the Snake River's fish resources is also a circle that includes harvest management, water project passage protection, supplemental production and protection of spawning and rearing habitat. Without any one part of the circle, the salmon's journey cannot be completed and both the salmon and the people who depend on them suffer the loss. On behalf of our Tribe and for the benefit of all creatures in our part of the world, we implore you to protect the salmon's home with wilderness designation. Thank you.

CLEARWATER NATIONAL FOREST

North Lochsa Slope (Rare II-307) 113,662 acres

This large section of Lochsa River drainage contains the 54,000 acre Fish Creek drainage and numerous other smaller tributaries. Contained within these drainages are some of the best chinook salmon and steelhead spawning and rearing areas in the entire Lochsa Basin. Key big game summer and winter range is also found in the North Lochsa Slope. Elk, moose, mule and white-tail deer, mountain goat, mountain lion, and black bear frequent the area. Non-game species include fisher, marten, and lynx. At least four prehistoric sites are known to exist here, along with numerous old Nez Perce trails.

About 108 thousand acres are classified as essential gray wolf habitat.

Fourteen coastal disjunct species of vegetation (not normally found east of the Cascades) thrive within the North Lochsa Slope. A 1,300 acre research natural area (RNA) was established here in 1977 as a result.

Hoodoo-Great Burn (Rare II 1-301) 149,147 acres

The southeast portion of the Great Burn contains headwaters of the Crooked Fork Lochsa and Boulder Creek, both producers of chinook and steelhead. Resident fish values (the area contains nationally known Kelly Creek, a "blue ribbon" trout stream) are high.

Wildlife species include abundant elk, mule deer, and black bear. Mountain goats, cougar, and moose are also present. Two confirmed sightings of gray wolf have been made in the Kelly Creek area; 110 thousand acres of the Great Burn are considered essential wolf habitat. Several unconfirmed sightings of grizzly bear have been reported; the entire unit could qualify as essential grizzly habitat.

Twenty-four prehistoric sites and four trails are known. The Clearwater National Forest (CNF) has recommended that about 100 thousand acres of the Great Burn be designated wilderness.

Elk Summit - comprising Rare II units North Fork Spruce - White Sand (1-309), 33,454 acres; Sneakfoot Meadows (1-314), 22,334 acres; and the eastern segment of Lochsa Face (1-311_, from Warm Springs Creek east to Sneakfoot Meadows boundary.

North Fork Spruce - White Sand area contains streams highly valuable for chinook and steelhead spawning and rearing purposes as well as for resident trout production. White Sand Creek is the major undeveloped tributary used by salmon and steelhead in the Lochsa system. The unit is famous for its large moose population. Moderate numbers of elk, mule deer, and black bear occur; summer range is extensive.

About 25 thousand acres are classed as essential wolf habitat. Over 10 thousand acres have been recommended for wilderness by CNF.

All but one major creek in the Sneakfoot Meadows unit drain into White Sand Creek. The streams are important native fish habitat and contribute to the anadromous production of White Sand Creek. Except to the north, the area is surrounded by other roadless land. The local moose herd is considered north Idaho's largest and Sneakfoot is presently managed to assure them maximum protection. Mule deer, elk, and black bear are also present; fisher are seen occasionally. The entire unit is considered essential wolf habitat.

Numerous old Nez Perce trails cross the area. Clearwater National Forest has recommended eight thousand acres be designated as wilderness.

The eastern third of Lochsa Face unit is included here because it is considered crucially important to maintaining the moose occupying this and adjacent lands (e.g. Sneakfoot Meadow). Streams in the area produce both anadromous and resident fish. Elk, mule and white-tail deer, mountain goat, cougar, and black bear are also present. The area is important, high quality elk summer range.

Wilderness attributes for people (e.g. solitude) are considered most available in this portion of the Lochsa Face.

The entire area is essential gray wolf habitat.

Prehistoric sites and several Nez Perce trails are found in the area.

Mallard-Larkins (Rare II 1-300) 132,746 acres

Although no longer accessible to anadromous fish, the Mallard-Larkins unit remains extremely important to the Tribe for purposes of fishing. Hunting and other cultural activities are also pursued.

The area's proximity to the Nez Perce Reservation, together with its numerous resource values, cause it to be extensively used by tribal membership today, as in the past.

Mallard-Larkins contains quality resident-fish-producing streams and abundant wildlife, including one of the largest Rocky Mountain goat herds in northern Idaho. Elk and deer are also common. Unconfirmed sightings of grizzly bear and gray wolf have been reported, and 90 thousand acres have been designated as essential wolf habitat. The unit contains over 41 thousand acres of key elk winter range.

At least two prehistoric-use areas and one long-used Nez Perce trail are known to exist in the unit.

PAYETTE NATIONAL FOREST

Rapid River (Rare II 1-922 and 4-922) 150,600 acres

This unit contains virtually the entire Rapid River drainage. Rapid River, a wild and scenic stream since 1975, is the major salmon and steelhead producing tributary to the Little Salmon River. In addition to the natural fish production, Rapid River is the site of a major spring chinook hatchery, and is an important fishing site for the Nez Perce.

The drainage contains significant deer and elk summer and winter range and hosts black bear, bighorn sheep, and numerous upland game and non-game species. Rapid River's Rocky Mountain grand fir/Douglas fir ecosystem is not well represented in currently classified wilderness areas.

French Creek/Patrick Butte (Rare II 4-446) 168,215 acres

Tributaries draining this unit flow into the Little Salmon on the west, main Salmon to the north, Secesh River (South Fork Salmon) on the east, and North Fork Payette to the south. The Salmon system tributaries produce, directly or indirectly, spring and summer chinook and steelhead. All produce resident fish.

Terrestrial wildlife species include elk, deer, bighorn sheep, black bear, and pine marten. Golden eagle, osprey, and turkey are present. Both gray wolf and moose have been reported in the area.

Secesh (Rare II 4-455) 259,682 acres

This unit stretches across the Payette Forest, from Payette Lake on the west to Big Creek (Middle Fork Salmon system) on the east. Both the Secesh and South Fork Salmon rivers flow through this unit, thus it is a major production area for now-depleted summer chinook stocks. These rivers also produce good numbers of wild steelhead, and Idaho Department of Fish and Game manages the South Fork system to continue the wild steelhead production while summer chinook numbers are being rebuilt. Both streams are under consideration for Wild and Scenic designation. Big Creek is a major tributary of the Middle Fork Salmon, Idaho's primary wild spring chinook producer. Spring chinook production in Big Creek is monitored as an "indicator stock" under the US-Canada Salmon Interception Treaty.

Wildlife presently includes deer, elk, black bear, mountain goat, cougar, and bighorn sheep. The South Fork Salmon provides important elk winter range. Gray wolf are reported to inhabit the area.

Three potential National Natural Landmarks (Slick Rock, Lick Creek Block Stream, and Rainbow Rock) lie within the unit's boundaries.

Several prehistoric sites are known in the unit. Payette National Forest has recommended that about 108 thousand acres of the Secesh unit be designated as wilderness.

Needles (Rare II 4-451)

Separated from the Secesh unit by only a road corridor, the Needles unit includes significant portions of several major South Fork tributary systems and lower Secesh River tributary systems, all of which produce summer chinook and steelhead.

The Needles unit is home to the same species that occupy Secesh unit. An additional resident fish (Grayling) is also present in some area lakes. A unique geologic feature, the Needles, lies inside the unit boundary.

Payette National Forest recommends wilderness designation for about 92,500 acres.

Caton Lake (No Rare II designation) 98,839 acres

This area lies between the South Fork Salmon River on the west and Johnson Creek (major tributary of East Fork South Fork Salmon) on the east and extends from the East Fork South Fork on the north to Warm Lake in the south. The unit encompasses a considerable portion of west-flowing South Fork tributaries. Both systems produce wild summer chinook and steelhead.

The area provides important deer and elk summer and winter range, as well as licks, wallows, and escape cover. Black bear, mountain goat, and cougar are present. The entire area is recommended as essential gray wolf habitat.

Salmon River Breaks (Rare II 4-921) 98,532 acres

This unit, titled Cottontail Point to Pilot Peak in the Payette National Forest's draft management plan, is composed of breaklands draining into the South Fork and main Salmon rivers--both major producers of chinook and steelhead. Resident fish are produced in the area's streams as well.

The unit provides habitat for deer, elk, moose, black bear, mountain goat, bighorn sheep, cougar, and various furbearers. Several large elk calving areas are within the area. At least one grizzly sighting has occurred just north of the unit in the Frank Church River of No Return Wilderness.

SAWTOOTH NATIONAL FOREST

Boulder/White Clouds (Rare II 4-551) 443,970 acres

Numerous headwater tributaries to both the main Salmon and East Fork Salmon Rivers are contained within this area. These systems produce chinook, steelhead, and resident fish.

Sixty species of mammals have been reported, including wolverine and fisher. Peregrine falcon have been seen in the unit.

Sawtooth National Forest recommends wilderness designation for 139 thousand acres.

Hanson Lakes (Rare II 4-061) 66,500 acres

This unit, also known as Sawtooth Addition or Ten Mile-East, lies contiguous with the NW border of the existing Sawtooth Wilderness. Within the Hanson Lakes area are numerous main and Middle Fork Salmon River tributaries, as well as parts of the Stanley and Redfish lakes drainages. These systems produce chinook, sockeye, and steelhead, as well as resident fish.

A variety of wildlife species occur, including the endangered gray wolf.

CHALLIS NATIONAL FOREST

Pahsimeroi Mountains (Rare II 4-209) 72,107 acres

This area is watershed for numerous tributaries to the Warm Springs River on the west and the Pahsimeroi River on the east. Small numbers of chinook and steelhead may spawn and rear in the tributaries; both species occupy the Pahsimeroi River, which also supplies IDFG's Pahsimeroi Hatchery, a chinook and steelhead production station.

Elk, mule deer, bighorn sheep, pronghorn antelope, and numerous small mammal species reside in this area. Big game populations are well below existing habitat capacity. Although no inventories have been conducted, it is highly probable that prehistoric sites exist throughout the area.

Red Mountain (Rare II 4-063) 116,325 acres

This area encompasses Middle Fork Salmon River headwater drainages, including Bear Valley Creek--an important spring chinook producer and an historic tribal fishing area. South Fork Payette River drainages are also contained herein.

Elk and mule deer occur throughout the area. The gray wolf is also thought to be present here.

Borah Peak (Rare II 4-210) 129,581 acres

This area's primary value to anadromous fish is as a watershed to the Pahsimeroi River and hatchery, which produce chinook and steelhead.

Mule deer, elk, bighorn sheep, and pronghorn antelope are the major large mammal species found in the area. Primary timber values lie in maintaining watershed, wildlife, and visual values lie in maintaining watershed, wildlife, and visual qualities.

Challis National Forest recommends wilderness designation for 116,000 acres of the Borah Peak area.

Lemhi Range (Rare II 4-503) 314,026 acres

The Lemhis provide watershed for Pahsimeroi River tributaries on the west, Lemhi River tributaries on the east, and Salmon River tributaries on the north. Each stream supports populations of chinook, steelhead, and resident fish species.

Major large mammal species present include mule deer, elk, mountain goat, black bear, and cougar.

Numerous prehistoric sites exist in the area.

SALMON NATIONAL FOREST

Goldbug Ridge (Rare II - included as part of Lemhi Range 4-503) 11,513 acres

This area is the northern "tip" of the Lemhi Range, separated from the main Lemhi Roadless Area only by a road corridor. Its attributes are similar to these of the main Lemhis -- streams draining into the main Salmon, excellent wildlife habitat, etc. This area should be considered as part of the Lemhi Range unit.

West Big Hole (Rare II 4-943) 81,068 acres

This area contains the upper, eastern segment of the North Fork Salmon River drainage as well as numerous tributaries to the main Salmon and Lemhi rivers. Significant chinook and steelhead habitat in essentially pristine condition is found in Sheep Creek, a major North Fork Salmon tributary. Anadromous fish production potential elsewhere within the area is substantial.

Core migration corridor areas and key winter range for interstate mule deer and elk herds lie within West Big Hole lands.

Senator McClure. Thank you very much. And the attachments to your statement will be included as a part of the statement for the record. Thank you.

Mr. Bensberg.

STATEMENT OF JIM BENSBERG, LEGISLATIVE AFFAIRS SPECIALIST, AMERICAN MOTORCYCLIST ASSOCIATION, BLUE RIBBON COALITION

Mr. Bensberg. Mr. Chairman, thank you for the opportunity to address this body in regard to S. 2055. My name is Jim Bensberg, and I'm a legislative affairs specialist for the American Motorcyclist Association. But I'm here representing the Blue Ribbon Coalition to which my association belongs. And together we represent approximately 165,000 individual members and numerous clubs. Our members are deeply interested in preserving off-road recreational opportunities in areas under the jurisdiction of the U.S. Forest Service and in maintaining a balance of responsible land use management by considering all interested parties' concerns when formulating plans in these areas.

Certainly no group has an exclusive franchise on the term "conservationist," or "environmentalist." We full recognize the need for preservation of wilderness areas, as well as providing for multiple use trails and roadways for all outdoor enthusiasts to use. I believe it is fair to say that without roadways and trail systems, not one among us could access the pristine areas which we strive to protect. Without access there can be no enjoyment of the natural treasures which abound in our country and particularly in Idaho. Even hiking trails limited to foot travel represent some environmental degradation. We view properly maintained trails not as environmental hazards, but rather as avenues to explore the natural wonders of our rich country.

Without proper management, our public lands would be subject to overuse and abuse and the resultant chaos and environmental damage would serve no one's purpose. Instead, what we seek is a voice in a community of dedicated organizations, all of which view the same picture from different perspectives.

Motorcyclists, snow mobile riders, four-wheel drive enthusiasts, bicyclists, horseback riders and hikers must all come to the realization that public lands are to be shared. They are to be wisely managed so that future generations may also enjoy the recreational opportunities. And certain areas should be designated as wilderness to protect the inherent beauty and wildlife that could easily be destroyed if proper management of those areas is not responsibly employed. As off-road enthusiasts, we too appreciate the wilderness and support those who are charged with preserving wilderness and recreational areas. All we are asking is that certain areas remain open for recreational use so that all of us as a society can commune with nature without feeling threatened by groups with a different view.

In much the same way that S. 7 threatens to lock up an inordinate amount of California desert land, S. 2055 could conceivably lock out off-road enthusiasts and banish them to areas which are already overused for lack of other trail areas and roads. By designating such large tracts of land as wilderness, Congress would effectively preclude the use of those lands for responsible trail and roadway recreation. Others who are unable to reach the great outdoors without the use of a motor vehicle would be shut out and only those persons with the time, health and resources to travel on foot to and through wilderness areas could conceivably enjoy them.

This we cannot abide. The great blessing of this country is that there are millions of acres of scenic land which can be enjoyed by all in their own special ways provided that we are given proper direction by agencies charged with preserving recreational opportunities and that all interested factions respect the rights of others and agree to share and compromise.

Motorcycling and off-road travel using various types of motor vehicles are well established, traditional recreational activities which typically are enjoyed by the whole family. Recognizing the need for cooperation, off-road vehicle enthusiasts can often be seen repairing trails with the guidance of forest officials. Indeed, President Reagan and the Secretary of Agriculture, Richard Lyng, have recently recognized the efforts of the Idaho Trail Machine Association for its volunteer work in the Targhee National Forest.

We believe the authors of S. 2055 had the goal of responsible management in mind when this measure was originally drafted, and for this we commend then for without a reasonable consensus, there will always be a feeling of betrayal harbored by groups that are left out of the decision making process. To that end, and for the long term preservation of both wilderness and responsible, well-managed recreational opportunities, we are pledged to continue our unending work of enhancing trail systems, to mitigation environmental concerns and to working cooperatively with others who share our love for the great outdoors. Now more than ever, we should avoid unnecessary polarization and come together to work for the preservation of our natural recreational resource areas so that all Americans may continue to appreciate them.

[The prepared statement of Mr. Bensberg follows:]

S. 2055

Senate Subcommittee on Public Land, National Parks and Forests

Committee on Energy and Natural Resources,

Testimony on behalf of the **Blue Ribbon Coalition**

by:

Jim Bensberg

American Motorcyclist Association

Legislative Affairs Specialist

June 21, 1988

Mr. Chairman, members of the Committee, thank you for the opportunity to address this body in regard to S. 2055 also known as the "Idaho Forest Management Act of 1988." My name is Jim Bensberg and I am a Legislative Affairs Specialist for the American Motorcyclist Association. I am here representing the Blue Ribbon Coalition, to which my association belongs, and together we represent approximately 165,000 individual members and numerous clubs. Our members are deeply interested in preserving off-road recreational opportunities in areas under the jurisdiction of the U.S. Forest Service and in maintaining a balance of responsible land use management by considering all interested parties' concerns when formulating plans in these areas.

Certainly, no group has an exclusive franchise on the term "conservationist" or "environmentalist." We fully recognize the need for preservation of wilderness areas, as well as providing for multiple-use trails and roadways for all outdoor enthusiasts to use. I believe it's fair to say that without roadways and trail systems, not one among us could access the pristine areas which we strive to protect. Without access, there can be no enjoyment of the natural treasures which abound in our country and particularly in Idaho. Even hiking trails limited to foot travel represent some environmental degradation. We view properly maintained trails not as environmental hazards, but rather as avenues to explore the natural wonders of our rich country.

Recognizing the need for planning and the future of our nation's forests, Forest Service Chief Dale Robertson has recently committed to providing a system of scenic roadways to further enhance the experience of traveling through our national forests. Without proper management, our public lands would be subject to overuse and abuse and the resultant chaos and environmental damage would serve no one's purpose. Instead, what we seek, is a voice in a community of dedicated organizations, all of which view the same picture from different perspectives.

Motorcyclists, snowmobile riders, four-wheel-drive enthusiasts, bicyclists, horseback riders and hikers must all come to the realization that public lands are to be shared. They are to be wisely managed so that future generations may also enjoy their recreational opportunities. And certain areas should be designated as wilderness, to protect the inherent beauty and wildlife that could easily be destroyed if proper management of those areas is not responsibly employed. As off-road enthusiasts, we too appreciate the wilderness and support those who are charged with preserving wilderness and recreational areas. All we are asking is that certain areas remain open for recreational use so that all of us, as a society, can commune with nature without feeling threatened by groups with a different view.

In much the same way that S. 7 threatens to lock up an inordinate amount of California desert land, S. 2055 could conceivably lock out off-road enthusiasts and banish them to areas which are already overused for lack of other trail areas and roads. By designating such large tracts of land as "wilderness" Congress would effectively preclude the use of those lands for responsible trail and roadway recreation. Others, who are unable to reach the great outdoors without the use of a motor vehicle, would be shut out and only those persons with the time, health and resources to travel "on foot" to and through wilderness areas could conceivably enjoy them. This, we cannot abide. The great blessing of this country is that there are millions of acres of scenic land which can be enjoyed by all, in their own special ways, provided that we are given proper direction by agencies charged with preserving recreational opportunities and that all interested factions respect the rights of others and agree to share and compromise.

Motorcycling and off-road travel using various types of motor vehicles are well established, traditional, recreational activities which typically are enjoyed by the whole family. Recognizing the need for cooperation, off-road vehicle enthusiasts can often be seen repairing trails with the guidance of forest officials. Indeed, President Reagan and Secretary of Agriculture Richard Lyng have recently recognized the efforts of the Idaho Trail Machine Association for its volunteer work in the Targhee National Forest. The Idaho Trail Machine Association is, of course, a charter member of both the American Motorcyclist Association and the Blue Ribbon Coalition. The AMA is no stranger to working side by side with the Forest Service and the Land Management Bureau. The joint "Tread Lightly" program is but one example of how AMA and Forest Service officials have encouraged responsible planning, use and trail maintenance.

We believe the authors of S. 2055 had this goal in mind when this measure was originally drafted, and for this we commend them. For without a reasonable consensus, there will always be a feeling of betrayal harbored by groups that are "left out" of the decision making process. To that end, and for the long term preservation of both wilderness and responsible, well managed recreational opportunities, we are pledged to continue our unending work of enhancing trail systems, to mitigating environmental concerns, and to working cooperatively with others who share our love for the great outdoors. Now, more than ever, we should avoid unnecessary polarization and come together to work for the preservation of our natural recreational resource areas so that all Americans may continue to appreciate them.

Senator McClure. Thank you very much for your statement.

Ms. McDonald, isn't it fair to say that experience has indicated elk population growths along with some of the human activities that occur on public lands?

Ms. McDonald. That elk populations grow along with other activities?

Senator McClure. Yes.

Ms. McDonald. In many cases, yes.

Senator McClure. Mr. Christensen, isn't that correct that we have studies that indicate population growths along with human activities?

Mr. Christensen. I'm not sure which human activities you refer to, Senator. I note that roading is a specific activity with which elk populations do not grow. They in fact decline.

Senator McClure. Is it your opinion that elk populations always decline in the presence of roading activities?

Mr. Christensen. The studies that I have seen from Idaho and Montana indicate that roading, and particularly the kind that is associated with logging activities, does generate a decline in elk populations, particular large scale roading.

Senator McClure. There are certainly some opinions that have been expressed along that line, but there are also studies that indicate parallel growth, growth of elk populations parallel to the timber activities.

Mr. Christensen. I'm not aware of those studies, Senator.

Senator McClure. Mr. Christensen, on page 4 of your statement you refer to—and you're discussing the French Creek special management area. You say, "If logging occurs, heavy siltation of the key anadromous fish habitat in French Creek is inevitable." How much anadromous fish habitat is there in French Creek drainage?

Mr. Christensen. I have examined the testimony submitted to the committee by the American Society of—well, I can't remember the name of them—anyway, the professional fish biologists. They indicate that there is a key anadromous fish habitat for steelhead existing in French Creek, in fact, that steelhead have been seen there in the 1980's and that there is a potential for a much larger run assuming that that other conditions——

Senator McClure. Well, I would invite your attention to the facts of the hydrology of that particular watershed. It is so steep that their only anadromous fishery is located very far down the stream. And I think the record indicates there are four acres of anadromous fish habitat.

Mr. Christensen. I'm not sure what the area is. All I know is——

Senator McClure. I don't mean to ignore it, but I mean to put it into perspective. That's the reason for my comment.

Ms. McDonald, I noticed that you say that if a bill is to be passed, you hope we will insist on retention of the language. I hope that is a kind of a tacit recognition that perhaps the bill might pass in spite of the fact that you're opposed to any.

Ms. McDonald. We hope the bill does not pass with this amount of wilderness, but I'm sure that you hope otherwise. And if you are victorious, we hope that you keep that language in there because we like it very much.

Senator McClure. I think it is also fair to say that you would be opposed to a wilderness bill that added any wilderness acreage.

Ms. McDonald. That's the position of the Idaho livestock industry, Senator.

Senator McClure. I understand that. I have heard from many Idahoans that tell me just exactly that.

Mr. Hayes, your statement raises some issues that really are legitimate concerns, but not necessarily within the boundaries of the wilderness bill, such as the concern about archaeological sites. There are a number of concerns of that nature that are covered by existing statute and law outside of the parameters of this legislation, and your concerns are not just confined to the boundaries of the proposals contained in this legislation. So, I share with you the feeling that they should not be ignored, and I will pledge to you they will not be.

I would also say that whether it's the Indians on the streams in Idaho or the non-Indian people who are concerned about fisheries, the major problem with the anadromous fishery on the streams in Idaho lie in two things. One is the dams that are downstream from Idaho that cause the major loss of anadromous fish that travel to the ocean and back. And the second is the commercial fishery downstream from Idaho. I would invite the Inter-tribal Fish Commission to address at least that problem with some degree of honesty in saying that the tribal commercial fishery also contributes to the loss of return of fish to the areas in Idaho. You may be exercising legitimate legal rights as defined by the courts, but it isn't all the fault of other people. The Inter-tribal Fish Commission in their commercial fisheries on the Columbia River mainstem contribute to that problem. And I think that's an honest statement. I will give you the opportunity to respond if you'd like.

Mr. Hayes. Mr. Chairman, the seasons that are established in zone 6 fishery are all biologically sound fisheries. Every fishery, every tributary is taken into consideration. There is none that is ignored. There has been many challenges to the fishery in the Ninth Circuit. All these challenges have been met with sound biological data that has been gathered by the biologists.

Contrary to what is distributed in the Idaho papers, this is what takes place. They are considered on a run-by-run basis, and each tributary is considered by the anadromous fish that is contributed in the Columbia River.

Senator McClure. Mr. Hayes, I have come to the conclusion over the years that, indeed, the tribes needed to be represented by competent people, and I have supported the appropriations of enough money to give the various tribal entities in the Columbia basin the opportunity to hire fisheries biologists. And what you say is correct, but it doesn't really respond to the question that I asked. To say that they've been considered does not say that they haven't been taken because some of the fish in those runs have been taken, fish that otherwise would have returned to those streams. I'm not saying that is irresponsible. I'm just saying that the tribal fishery contributes to the reduction in the return runs up the rivers.

Mr. Hayes. I think if we consider all the historic counts since after the construction of the dams when the fish were nearly extinct, that if we consider the situation that has taken place since

1977 when the Columbia River Inter-tribal Fish Commission was formed, we can see very clearly that all the runs are on the upswing right now.

Senator McCLURE. They are, and I'm very happy that they are. And we spent a lot of money to see that they are, and we're going to continue to spend money to see that they are. OMB notwithstanding, we still intend to spend some more money to restore fisheries.

My only point is that, indeed, the Indian peoples themselves balance resource needs. You have a desire to maintain the runs. I was with the Nez Perce Indian peoples on the south fork of the Salmon last summer in one of your celebrations. I am aware of the significance of those fish runs to the Indian peoples. But you yourself are balancing resource needs. As you harvest fish downstream for commercial reasons, you balance that against your desire for the maintenance of runs. I commend you for your interest, but I want to point out that there are others on the river who also have balancing needs. And we in the legislation are going to try to do what we can to provide that balance.

I want to assure you, Mr. Christensen and others and you, Mr. Hayes, that with respect to the south fork plan on the sedimentation model, we are not satisfied that this bill does all that has to be done for the south fork. This bill doesn't attempt to everything that has to be done for the south fork. We will continue to have to deal with habitat manipulation I believe. I'm a little bit concerned about the thrust of the statement that says simply if we'll just put it in wilderness and leave it alone, it will recover. I think most fisheries biologists will tell us it won't, that if we're going to restore it to the levels that it once enjoyed, we're going to have to do something more than that. And I go into that only from the standpoint that I hope that we will not have your opposition if we try to enhance the habitat above what the natural conditions would produce untouched by man in the future.

Mr. CHRISTENSEN. You won't have my opposition, Senator, and I think I speak for most sportsmen in the state when I say that.

Senator McCLURE. So, to indicate that the logging operations must produce zero sedimentation doesn't mean that that's the goal for the river because certainly we're going to do some. I think you and I could go into business and make some money with the Forest Service out there. They are using small suction dredges to remove some of the siltation from some of the holes. And I think it's costing about 35 bucks a yard to get that stuff out of there. I think you and I could do it for less, and maybe if the Forest Service would contract with us at $35 a yard, then we'd have enough money to be able to go backpacking part of the time.

Yes, Mr. Hayes?

Mr. HAYES. Mr. Chairman, on that note, I would like to inform you that the Payette National Forest has begun a cooperative effort with the Nez Perce Tribe in operating that sediment sucker that was introduced last year on the south fork.

Senator McCLURE. Yes, sir.

Mr. HAYES. We are working on that now.

Senator McClure. And I think that's a positive step that has been taken. I support it from what I have seen and from the conversations I have had with fisheries biologists.

But I think the studies also indicate that there is more habitat in the south fork than we have fish returning to it, which is not to say we don't need to work on the habitat to make it more suitable for even more fish, but unless we solve that passage problem at the dams and along the mainstem of the Columbia, habitat is almost irrelevant to the success of the fish runs. We simply must do something to enhance those fish runs, and I'm as dedicated as anybody can be to seeing that that is done. And I have been bending my efforts in that direction for a number of years.

I remember the day that we dedicated the Hells Canyon National Recreation Area. I made a statement which I believe then was true and I believe has been true ever since and that is without regard to specific runs which are critical and were then and are now, that we had turned the corner and we were beginning to improve fish runs, and that we knew how to improve fish runs further. They were not declining any longer. And I think that is true overall, but certainly there are specific runs to which that statement does not apply.

But I just take a little bit of time because I want everybody to understand that this bill, just as it doesn't address all the concerns of the Indian people with respect to archaeology and other cultural values within the watershed, neither does this bill have all there is to say about anadromous fisheries on the south fork or anywhere else. We're going to have to work on that and we'll continue to.

Yes, sir?

Mr. Hayes. Mr. Chairman, along the lines of the archaeological and cultural, I don't know if you aware of the case that occurred about two years ago on the Snake River. There was a man that was caught digging up historic areas——

Senator McClure. Yes, sir, I am aware of that.

Mr. Hayes [continuing]. To the extent that a human skull was sold. And the man received a slap on the hands and probation. And this is the reason why the tribe would like to see more restricted areas on to preserve the historic and cultural areas of the Nez Perce Tribe.

Senator McClure. Mr. Hayes, I think that's a legitimate concern on your part. It's a concern that many people share. It is a problem, however, that is not addressed by this particular legislation, although it is a need.

Mr. Hayes. That was the first test of the Idaho Antiquities Act and the Federal Antiquities Act, and it failed very poorly.

Senator McClure. Well, it may not have completely failed because at least people are now more aware that there is such a thing. They never had thought so before now, and now they at least know it's there.

Ladies and gentlemen, thank you very much for your testimony. That concludes our hearing today. If there are others who wish to file statements for the record, they may do so. The record will remain open for 2 weeks for supplemental information that may appear from the witnesses who have testified.

The hearing will be adjourned.

[Whereupon, at 1:24 p.m., the hearing was adjourned.]

[Subsequent to the hearing Mr. Christensen submitted the following:]

July 5, 1988

Honorable James A. McClure
Senate Subcommittee on Public Lands,
National Parks & Forests
308 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator McClure,

I have enclosed two documents for inclusion in the record on S. 2055, the Idaho Forest Management Act.

The first is a letter responding to two questions you asked me while I was testifying as a member of the Idaho Sportsmen's Coalition at the Washington hearings two weeks ago. The second is my own testimony concerning the bill (which does not necessarily represent the views of the Coalition).

Thank you for the opportunity to comment on this bill.

Sincerely,

Eric Christensen

June 30, 1988

Hon. James A. McClure
Senate Subcommittee on Public Lands
Washington, DC

RE: Hearings on Idaho Wilderness Bill, S. 2055; For inclusion in the record

Dear Senator McClure,

At the recent hearing in Washington on S. 2055, you asked me two questions related to my testimony which I would like to answer more fully.

First, you asked me if I was aware of studies showing a simultaneous increase in elk populations and roading of habitat. I have consulted several people with particular knowledge in this area who tell me that the best scientific evidence now indicates that increased roading leads to a drop in elk populations. A few quotes from studies on the subject should demonstrate this point. The most highly regarded study in this area was done by Jack Lyons of the Montana Department of Fish, Wildlife and Parks, in association with the Bureau of Land Management, Plum Creek Timber Co., the Intermountain Forest and Range Experiment Station, and the University of Montana School of Forestry. The study, entitled "Coordinating Elk and Timber Management", monitored elk populations and developments such as logging and roading in the intermountain region from 1970 to 1985. The study concluded:

> It has been repeatedly documented, in Montana and throughout North American elk range, that vehicle traffic on forest roads evokes and avoidance response by elk. Even though the habitat near forest roads is fully available to elk, it cannot be effectively utilized. . . . As a general average, habitat effectiveness can be expected to decline by one-fourth when open road densities are one mile per section and by one-half when road densities are two miles per section. . .

It continued:

> Roads, and the people and traffic associated with them, have a more significant influence on elk security than most other factors combined.

This conviction is shared by the Idaho Department of Fish and Game and the biologists who serve in the Department. In the comments submitted by IDF&G on each of the ten forest management plans for Idaho stated:

> IDF&G has repeatedly found it necessary to restrict hunting opportunity as vulnerability of elk is increased by added road access and cover removal.

A Department study entitled "Some Relations of Elk to Logging, Roading and Hunting in Idaho's Game Management Unit 39" concluded:

> Since 1960, intensive forest management practices, including timber harvest and road building, have been applied extensively in west-central Idaho. Elk populations have declined significantly since 1964 in this area. . .
>
> . . .
>
> . . . habitat quality and quantity were lost due to forest management practices and. . . the sanctuary requirements of those elk inhabiting the roaded and logged portions of the Unit have not been met because of all the intensive activity since 1960.

In quantitative terms, the study found a 70% decline in Unit 39's elk population between 1960 and 1974.

Finally, the Department's January 1985 background paper on the roadless area management issue stated:

> Likewise the contention that we must have logging to have elk is untrue. Elk population densities in the Frank Church River of No Return Wilderness Area are estimated to be 3.7 elk per square mile. Densities in adjacent areas that are partially logged and roaded ranged from 1.4 to 5.5 elk per square mile. In contrast, densities in adjacent heavily logged and roaded areas are 0.7 per square mile.

Based on this scientific evidence, which, as you can see, is overwhelming, we are greatly concerned that the proposed French Creek Special Management Area will fail to protect the valuable elk habitat in that area. The result will be a severe decline in the herd, and a loss of opportunity for sportsmen and other recreationists from Idaho and throughout the nation, as well as a drop in tourist dollars in nearby communities such as McCall.

The second question addressed to me concerned the quantity of anadromous fish habitat in French Creek. I understand that the Forest Service has generally assumed there to be four acres of habitat, located near the mouth of French Creek.

However, recent evidence indicates that much larger areas of habitat exist on upper French Creek and Little French Creek, above the steep section of French Creek just past the mouth. Anadromous fish are known to use this area, with confirmed reports of fish there since at least 1977. I understand that the Forest Service is currently conducting an inventory of this habitat to determine its true extent. It would certainly be a great injustice to consign French Creek to permanent status as an area to be logged without knowing the full extent of the habitat that could be lost as a result. I reiterate the conclusion of the Idaho Chapter of the American Fisheries Society, the organization of professional fisheries biologists, that it will be impossible to manage French Creek as planned in S. 2055 without severely damaging this habitat.

We believe the scientific evidence is overwhelmingly in favor of full Wilderness status for French Creek. Only such a designation will insure that its increasingly valuable and irreplaceable elk and anadromous fish habitat is preserved so that future generations of Idahoans might enjoy as we have.

Sincerely,

Eric

Eric Christensen
Member, Idaho Sportsmen's Coalition

July 1, 1988

Honorable Dale Bumpers, Chairman
Senate Subcommittee on Public Lands,
National Parks & Forests
308 Dirksen Senate Office Building
Washington, DC 20510

RE: Testimony on the McClure-Andrus Idaho Wilderness Bill, S. 2055

My name is Eric Christensen. I am an Idahoan on self-imposed exile here in Washington. I have taken the time to submit this testimony because I believe that S. 2055 makes no sense in terms of either economics or the environment. If passed, it will condemn many of those areas that make Idaho a unique and special place to destructive development of questionable value. It will also mandate the ruin of increasingly rare prime habitat for valuable fish and wildlife species. If this bill is passed, I am convinced that the quality of life of Idahoans growing up 50 years from now will be substantially and palpably lower than what I experienced growing up there in the '60s and '70s.

I will attempt to confine my testimony to those areas I am most familiar with and also to certain general provisions of S. 2055. My testimony will be divided along three lines. First, I will summarize my concerns about the way Wilderness boundaries are drawn in S. 2055 from a biological standpoint, an area in which I have some special competence as a result of intensive studies while in college. Second, I will address the those areas included, and, more importantly, not included, as officially designated Wilderness in the bill. Third, I will discuss the specific land-use provisions that make up the bulk of the bill.

THE PROPOSED WILDERNESS BOUNDARIES ARE POORLY DRAWN FROM THE STANDPOINT OF IDEAL NATURE RESERVE DESIGN

I am concerned that the boundaries selected in S. 2055 reflect political expediency rather than biological reality. This failure to consider the natural boundaries of ecosystems and the types of habitat preserved as Wilderness will result in a significant loss of species diversity within the protected areas as surrounding land is developed. This can be easily predicted from the principals of nature reserve design, which have been derived from over a century of research on the biology of islands and isolated tracts of terrestrial habitat.

Three overriding principles have become clear from this research. First, as the area of available habitat shrinks, the number of species on that area will decline in an exponential manner. Second, the most effective nature reserve will contain a variety of habitats. Third, a single contiguous area of habitat is much more effective in preserving species than an equivalent area divided into two or more distinct preserves.

S. 2055 blissfully ignores all three of these principles. First, the inadequate total area designated for preservation by the bill guarantees that substantial species loss will occur. A good rule of thumb is that essentially all the species in an area can be preserved if 20% of the habitat is preserved. If 10% of the habitat is preserved, 20% of the original species will be lost over time, and if 1% of the area is preserved, then 75% of the original species will be lost.[1] If S. 2055 is passed, less than 10% of Idaho's original habitat will be preserved as Wilderness, suggesting that a large proportion of its species will be lost.

Our failure to preserve adequate habitat sets an extremely poor example for other nations. It will be very difficult to convince the poor nations of the tropics to preserve large areas of the tropical rain forests, given the inherent opportunity costs of such conservation measures, when the United States, the richest nation on earth, is politically unable to preserve much smaller areas at an almost infinitesimal opportunity cost.[2] If these nations cannot be persuaded to preserve large areas of the tropical forest, the world will be much the worse for it. Large scale changes in world climate are likely as a result, including a significant loss of rainfall in North America. As significant, the huge advances in medicine and agriculture offered by tropical species will be lost forever.

1/ N. Myers, Conservation Needs and Opportunities in Tropical Moist Forests, in **The Biological Aspects of Rare Plant Conservation** 141, 141-42 (H. Synge ed. 1981).

2/ In fact, in the long term, the 4 million acre proposal of the environmental community is likely to produce economic benefits greater than those possible under S. 2055, especially when the full costs of timber harvest (including government subsidized road building and damage to resources and the tourism industry) are considered. However, even taking the most optimistic view of timber and minerals available in those areas proposed for inclusion in the 4 million acre proposal, the total value is almost immeasurable in terms of U.S. Gross National Product.

The second failing of S. 2055 in terms of nature preserve design principles is that it fails to preserve a variety of habitats. Rather, most of the Wilderness designated in the bill is high alpine habitat, essentially rocks and ice. Many key wildlife habitats are left out of the bill entirely or are preserved in "special management areas" of dubious effectiveness. In fact, only about 600,000 acres of the 1.8 million acres identified by the Idaho Department of Fish and Game as crucial habitat is protected as Wilderness in S. 2055. Because few of Idaho's important wildlife species, particularly large herbivores such as elk and deer, can live year-round in the alpine habitats emphasized in S. 2055, a reduction in the populations of these species, and in some cases their complete loss, can be predicted because S. 2055's failure to preserve a diversity of habitats.3/

Third, the boundaries of the areas preserved in S. 2055 are drawn so that the will be relatively ineffective in preserving the wildlife species that live in them. Time and again, small isolated tracts are proposed for wilderness, and larger tracts are interspersed with corridors for development or ORV use. The principles of nature reserve design dictate that preserves established in this manner are doomed to lose much of their biological diversity. Such reserves function biologically as islands. As they are surrounded by development, they become increasingly remote from each other. The result is reduced genetic interaction among the biota inhabiting different

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3/ See M. Oldfield, The Value of Conserving Genetic Resources (1984).

reserves. This biological isolation leads to a predictable loss of species inhabiting the reserves through processes such as inbreeding, genetic drift, and disease.[4/]

It should not be doubted that Idaho is subject to these natural laws. Persuasive evidence of this comes from studies of species loss in the National Parks of the western United States.[5/] These studies show that, except for the very largest parks, species loss has been significant, ranging well over 25% since the various parks were established in the last 50 to 100 years. Nor were these insignificant species, but the large "money" species such as elk, deer, bears, wolves and other canines, and, mountain lions and other felines. These studies suggest that Idaho will be doomed to lose many of these species if S. 2055 is passed because even the largest areas proposed for Wilderness designation are as small or smaller than National Parks where species losses have ranged from 25 to 45 percent in less than 100 years.

A far superior method for designating Wilderness would be to draw boundaries that correspond to natural ecosystem boundaries, such as watershed boundaries. Barring that, biological diversity could be better maintained by eliminating

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[4/] Berry, Genetics and Conservation, in **Conservation in Perspective** 141, 145-46 (A. Warren & F. Goldsmith eds. 1983).

[5/] Newmark, A Land-Bridge Island Perspective on Mammalian Extinctions in North American Parks, 325 Nature 430 (1987); Newmark, The Legal and Biotic Boundaries of Western North American National Parks: A Problem of Congruence, 33 Biological Conservation 197 (1985). See also Christensen, The Genetic Ark: A Proposal to Preserve Genetic Resources for Future Generations, 40 Stanford L. Rev. 279, 291 n. 65 (1987) and sources cited therein.

corridors in the middle of designated wilderness, by trying to reduce long, thin protrusions from wilderness boundaries, and perhaps even by setting up wilderness corridors between large preserved areas in order to facilitate genetic flow between wilderness areas. The biological importance of even small corridors for ORV passage should not be underestimated. For instance, the effectiveness of habitat for elk declines roughly 25% with each mile of road built per section.[6/]

The pure economic value of Idaho's biological resources

[6/] The most comprehensive study of roading's effect on wildlife was done by Jack Lyons of the Montana Department of Fish, Wildlife, and Parks, in association with the Bureau of Land Management, Plum Creek Timber Co., the Intermountain Forest and Range Experiment Station, and the University of Montana School of Forestry. The study, entitled "Coordinated Elk and Timber Management," monitored elk populations and developments such as roading and logging in the intermountain region from 1970 to 1985. The study concluded:

> It has been repeatedly documented, in Montana and throughout North American elk range, that vehicle traffic on forest roads evokes and avoidance response by elk. Even though the habitat near forest roads is fully available to elk, it cannot be effectively utilized. . . . As a general average, habitat effectiveness can be expected to decline by one-fourth when open road densities are one mile per section and by one-half when road densities are two miles per section.

This conviction is shared by the Idaho Department of Fish and Game and the biologists who serve in the Department. The Department's January 1985 background paper on the roadless area management issue stated:

> Elk population densities in the Frank Church River of No Return Wilderness Area are estimated to be 3.7 elk per square mile. Densities in adjacent areas that are partially logged and roaded ranged from 1.4 to 5.5 elk per square mile. In contrast, densities in adjacent heavily logged and roaded areas are 0.7 per square mile.

tends to be greatly underestimated.[7] This tendency must be overcome if a clear-eyed and thorough analysis of the fate of Idaho's wildlands is to be undertaken. The growing value of wildlife resources to Idaho's economy is demonstrated by the ascendancy of the state's tourism industry. A recent study showed that tourism, now Idaho's third-largest industry, brings over $2 billion per year into the state. Further, tourism has continued an extremely healthy rate of growth in the eighties, a time when Idaho's other major industries have foundered. Recently published figures from the state's Division of Financial Management show that tourism and other services industries have grown significantly in the eighties while resource-based industries have actually shrunk. Wilderness is an important staple of the tourism industry, both as an attraction in itself, and because it helps preserve fish and wildlife, which draw many millions of dollars into the state. This is demonstrated by the $48 million yearly income of Idaho outfitters and guides. Elk hunting alone is estimated to be worth $40 million per year to Idaho, and steelhead fishing, even in its current highly-impaired state, is also worth approximately $40 million per year.

The very high value of tourism and wildlife is underscored by a U.S. Fish and Wildlife Service/Idaho Department of Fish and Game study which concluded that restoration of the salmon and steelhead runs to the Stanley Basin could bring $6 to

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7/ An excellent and scholarly general discussion of the economic value of wild species, and the systematic underestimation of this value, is found in R. & C. Prescott-Allen, **The First Resource: Wild Species in the North American Economy** (1986).

$8 million per year into that area. This estimate was borne out in the recent experience of Riggins, where a tanker truck overturned and dumped its load of toxic chemicals into the Little Salmon River, which runs through Riggins, just as the steelhead runs were beginning to reach the town. Fishing was, of course, closed. Although the total losses have not, to my knowledge, been added up, the consensus seems to be that the accident produced an economic disaster for Riggins.

IMPORTANT AREAS THAT SHOULD BE DESIGNATED WILDERNESS HAVE BEEN EXCLUDED FROM S. 2055

S. 2055 is woefully underinclusive in terms of the areas that it designates as Wilderness. A prime example of this deficiency is in the bill's proposal for the Whitecloud Peaks, a truly magnificent cluster of towering glacier-carved peaks and crystalline lakes. If ever there was "an area where the earth and its community of life are untrammeled by man . . . [and that] has outstanding opportunities for solitude or a primitive and unconfined type of recreation," as called for by the Wilderness Act of 1964, 16 U.S.C. § 1131(c), this is it.

This is one of the most popular areas of the state for backcountry recreation. Plain evidence of this fact is the gubernatorial election of 1970. Widely viewed as a referendum on whether a mine should be opened to extract the substantial deposits of molybdenum underlying Castle Peak, the appropriately named heart of the Whiteclouds, the result was a resounding victory for Governor Andrus, who opposed mining, over his opponent, who supported it. Further evidence of the Whitecloud's popularity is the broad local support for the approximately 400,000 acres of wilderness proposed by environmentalists. Many individuals in the surrounding communities have endorsed this proposal, including the mayors of nearby Ketchum and Sun Valley.

S. 2055 sells the Whiteclouds woefully short. It proposes only a little over 150,000 acres for Wilderness protection (originally only a little over 100,000), interspersing even that with a corridor for off-road vehicle (ORV) use, despite the fact that ORV users constitute less than five percent of the current users of the Whitecloud era, according to Forest Service figures.

I unequivocally support the conservationist's proposal of roughly 400,000 acres, contained in the bill recently introduced in the House by Rep. Kostmayer. This proposal will insure that all the grandeur of the Whiteclouds will be preserved so that future generations may come to fish, observe, pay homage. This proposal also insures adequate territory to handle the dramatically increased use that has occurred in the Whiteclouds and that is sure to continue in the future.

The second area of special concern to me is the Danskin Ridge region, a small area northeast of Boise. S. 2055 skips over this area entirely. However, it deserves wilderness protection. While perhaps lacking the majesty of the Whiteclouds, this area nonetheless offers terrific opportunities for primitive recreation. These opportunities are enhanced by its close proximity to Boise (it is within a half-hour drive of downtown) and its low elevation, which allows access early in the year, when higher elevations are still snowbound. Protection of Danskin Ridge is also important as a means of watershed protection for the nearby the Boise River, which has developed into a true blue-ribbon trout fishery. Preserving these nearby opportunities for outdoor recreation will help maintain the quality of life that Boiseans have grown accustomed to.

Rather than listing the specific attributes of other areas that should be included in the Idaho Wilderness Bill, I will simply express my support for Kostmayer bill for the reasons set forth in the testimony submitted by Mr. Ernest Day of the Wilderness Society at the Idaho hearings on this bill.

THE SPECIAL MANAGEMENT PROVISIONS SHOULD BE DELETED FROM THE BILL

A. Special Management Provisions Undermine the NFMA and Mandate "Hard Release" of the Areas

If offered by themselves, the proposed wilderness additions in S. 2055 would have made a positive contribution to resolving the wilderness debate in Idaho. However, coupled with the various provisions calling for the permanent management of many areas based on untested and unsettled management practices, the bill is unacceptable.

By mandating specific types of land management in the special management areas S. 2055 undermines the National Forest Management Act (NFMA) by short-circuiting its public input and review requirements and by ignoring its watershed and wildlife protection provisions. In addition, these special management provisions can be read as mandating timber harvest, thus permanently eliminating them from Wilderness consideration in the future, a result Congress has scrupulously avoided in the past.

By mandating management of certain types in these areas, the bill ignores the often considerable public comment, submitted under NFMA's forest planning process, favoring other types of management. For instance, S. 2055 mandates that the South Fork of the Salmon River be maintained at its current level of 55% of capacity fish production, despite the fact that public comment on the national forest plan was virtually unanimous in calling for 90% to 100% recovery of habitat. Similarly, the provisions of NFMA calling for protection of watershed and wildlife habitat are bypassed. Finally, many of the management techniques called for are untested, and by mandating these techniques in perpetuity, the bill removes any discretion the Forest Service may have in correcting and fine-tuning these techniques based on experience.

And by mandating harvest, the bill locks in taxpayer subsidies to the timber industry. The General Accounting Office recently reported that 40% of timber sales in Idaho were below cost, resulting in a loss to the Treasury of $14.6 million per year. The largest losses were on the same forests, the Panhandle, Clearwater, Payette, and Boise, where these special management areas are proposed. Thus, S. 2055 would lock in deficit sales, and these deficits are likely to be larger under the bill because many of the mandated harvests are in even more inaccessible areas than are currently being logged.

B. Bonner's Ferry Special Management Area

The Bonner's Ferry Special Management Area called for in Section 103(a)(1) is an economic and environmental disaster waiting to happen. The language governing management of the area copies one of the darkest blots on the history of the Forest Service, the ongoing destruction of Alaska's Tongass National Forest. The bill calls for a mandatory increase of 3.5 million board feet in the allowable sales quantity (ASQ) of timber from the designated area, in addition to a minimum annual ASQ of 40.5 million board feet in the Bonner's Ferry Ranger District, and 283.5 million board feet in the Panhandle National Forest as a whole, "[n]otwithstanding any other provision of law." This is remarkably similar language to that governing timber sales in the Tongass, where sales are mandated at the rate of 4.5 billion board feet per decade, "notwithstanding any other law." 16 U.S.C. § 539d(a). The results in the Tongass are stark: because of fire-sale prices on its timber, the Forest Service recoups only 1% to 9% of the money it invests in roading, surveying and otherwise preparing for timber harvests on the Tongass. The result is a $40 million annual subsidy for the two lumber mills receiving timber from the Tongass. Put another way, the Forest Service subsidizes 1,400 lumber mill jobs at the rate of more than $36,000 per year. And all this at tremendous cost to

Alaska's environment, and its fishing and tourism industries.[8]

Far from learning from the mistakes of the Tongass, S. 2055 seeks to emulate them in Idaho. The result could be enormous subsidies to support a relatively few mill jobs in Bonners Ferry. And the subsidy will not be just a tangible loss of dollars from the treasury. It will also be a loss in North Idaho's wildlife, watersheds, and wilderness resources. In fact, the bill mandates harvest in critical grizzly bear habitat. Although this loss is less obvious than the economic waste, it is no less real for those who will bear it -- the tourism and fishing industries, and citizens who use and enjoy wildlife and wilderness.

C. French Creek Special Management Area

A second area which greatly concerns me, and one with which I am personally familiar, is the French Creek area near McCall. Section 103(a)(5) of S. 2055 calls for a "management prescription. . . to improve wildlife and fishery resources while producing timber from the productive land" and imposes a number of specific conditions on timber harvest. While the stated goal is laudable, the nature of the habitat in French Creek makes it virtually impossible to harvest timber and maintain wildlife habitat at the same time.

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[8] An excellent account of the Tongass debacle can be found in Skow, The Forest Service Follies, Sports Illustrated, March 14, 1988.

The guidelines proposed for French Creek by S. 2055 are nothing special. In fact, they are virtually identical to the guidelines imposed forest-wide in the 1985 draft forest management plan for the Payette National Forest. Further, they are highly unlikely to successfully prevent damage to the critical elk habitat on the east side of French Creek and the large elk herd that depends on this habitat. As mentioned above, roading greatly diminishes the effectiveness of elk habitat. Further, the harvest plan calls for timber cutting over a long period, so that continual disturbance of the herd is virtually guaranteed. The disturbance is likely to continue even after logging has ceased because enforcing the road closures called for in Section 103(a)(5) will be problematic at best.

Timbering will also alter the habitat over the long term, resulting in desiccation of the habitat, and the disappearance of the moist bogs and meadows essential for elk. This is in fact what occurred following logging in the nearby area just over Bear Pete ridge. Section 103(a)(5) calls for protection of wallows and licks during timber harvest, but enforcement of this provision will be virtually impossible because the French Creek area is essentially a continuous series of wallows and licks. A decline in the French Creek elk herd would undercut the tourism economy that has evolved in nearby McCall, once dependent on its local lumber mill, in the last twenty years.

Section 103(a)(5) is also woefully inadequate to protect the key fish habitat found in French Creek. The bill states without elaboration that "[f]ish habitat and water quality shall be maintained or improved." However, this goal cannot be fulfilled if timber harvest occurs because the soils of French Creek are highly erosive granitic batholith soils, which are subject to heavy erosion and mass wastage if disturbed. If harvest were to occur, heavy siltation of the key anadromous fish habitat in French Creek. The American Fisheries Society, the professional fraternity of fisheries biologists, has stated that it will be impossible to maintain fish habitat while harvesting timber on French Creek.9/

In sum, the special management provisions of S. 2055 will not adequately protect the fish and wildlife resources of French Creek. A far better alternative is to place French Creek into the national Wilderness system.

D. South Fork of the Salmon River Special Management Area

Section 103(a)(6) of S. 2055 proposes a special management area for the South Fork of the Salmon River. The proposal simply will not protect, let alone improve, the precious salmon habitat of the South Fork. Rather, the provision mandates a repetition of the South Fork's sad history. At one time, the South Fork produced 55% of all the summer chinook salmon in the entire Columbia River drainage, a run valued at over $100 million

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9/ "We do not believe that it is technically possible to implement the language requiring simultaneous development of French Creek on the Payette National Forest while maintaining fish habitat." Letter from David C. Burns, President, Idaho Chapter of the American Fisheries Society, to Sen. Dale Bumpers, Concerning S. 2055 (March 16, 1988).

annually. This came to abrupt halt in the late 1950s and early 60s when extensively logging in the upper tributaries of the South Fork produced massive siltation that virtually destroyed the salmon spawning and rearing habitat of the South Fork. The river has gradually flushed itself out, and has now stabilized at about 55% of habitat capacity, although the salmon populations are still 97% below what they once were.

The special management provisions are flawed in a number of respects. First, they call only for "no net increase" in sediment loads in the river, thus permanently condemning the South Fork to produce at only half its capacity. Second, the one mile wide no-timber-cutting corridor is inadequate because it does not protect the upper reaches of the South Fork's tributaries, precisely the areas where the vast majority of the damage was inflicted in the old timber cuts. Third, siltation is allowed in the river as long as it is removed, and removal techniques are currently of questionable effectiveness. Fourth, the provision locks in deficit timber sales. The 7 million board feet of timber proposed for harvest in this drainage in the 1985 draft forest plan would produce a loss of at least $1.2 million per year to the treasury.

Finally, the effectiveness of the erosion control and mitigation called for in this section is entirely dependent on the effectiveness of the BOISED sediment model, which the bill mandates as the means for monitoring the additional sediment load created by logging in the drainage. BOISED is simply inadequate for the task. Three quotes from the Forest Service's BOISED User's Manual should demonstrate this fact:

> --"It is not desirable to use the BOISED computer program to design projects and mitigation treatments." § 1.2.
>
> --". . .the BOISED program does not calculate sediment generated off the site of an activity (such as below roads) but resulting from the activity." Id.
>
> --"Significant damage to aquatic habitat from sediment deposition may occur prior to reaching the depositional threshold [signalling stream damage]." Id. at § 3.1.

BOISED calculates sediment load in terms of average annual yields and cannot account for major storm events like those that devastated the South Fork in earlier years. Nor does the model account for mass erosion generated by clear-cutting, but only for erosion from road-building. Id. at § 1.1. The deposition values used in BOISED are only theoretical and have not been verified by actual data from the field. Id. at App. 5-B. The conclusion of a Boise National Forest hydrologist from a May 2, 1988 memo seems more than justified:

> "It is still inappropriate to sue BOISED output as highly reliable predictions of absolute quantities of sediment delivered to streams at specific times."

Because it is simply impossible to log the South Fork without greatly damaging the magnificent river and its increasingly precious salmon spawning habitat, the entire watershed should be designated either as wilderness or as an area to be free from timber cutting. This will allow the river to gradually heal itself so that it may return to its former greatness as a fishery.

SPECIFIC PROVISIONS MAY UNDERMINE WILDERNESS DESIGNATION

1. Reserved Water Rights Language

The bill as written would undercut the venerable doctrine of federal reserved water rights. It disavows any "express or implied reservation of water or water rights for any purpose" for lands designated wilderness or special management areas by this or any other legislation. This language cuts the heart out of the wilderness bill. Water is the essential ingredient for fish and wildlife habitat. It is also the most important recreational resource, as attested to by the popularity of water sports such as whitewater rafting, kayaking, and fishing. Without water, wilderness loses much of its value. And this bill's long arm reaches not only to the areas it proposes to set aside, but to wilderness set aside in other bills. Most importantly, this provision applies to the Frank Church River of No Return Wilderness. The River of No Return (a.k.a. Middle Fork of the Salmon River) is the lifeline of Central Idaho's tourism economy. As water demands from agriculture and other private uses increase in the future, this public resource could be dried up.

The obvious philosophy behind this provision is that water use should be divided up solely by private users. Yet recent history suggests just the opposite. A purely private system of appropriation fails to account for essential public resources such as clean water, fish and wildlife habitat, pure drinking water, and recreation. The wave of water pollution and minimum streamflow laws passed in the West in the last twenty years attest to this failure of the purely private appropriations system. A more rationale way to preserve adequate water for public purposes in federal lands, while at the same time eliminating the uncertainty of unquantified federal reserve rights would be to specify a certain quantity of water reserved by this bill or to require the federal government to quantify its reserved rights within a certain time after passage of the bill. To eliminate reserved rights altogether, however, defeats the very purpose of creating Wilderness. This provision also creates a precedent that could doom wilderness for desert areas of southern Idaho, all of which are downstream from heavy agricultural water users.

At the recent hearings on S. 2055 in Washington, Senator McClure suggested that this language was intended to preclude any new reserved rights based on the new Wilderness designations, but that old reserved rights created when the lands in question were designated as National Forests were not meant to be disturbed. While not as desirable as a full reserved right under the Wilderness Act, this proposal is certainly better than a complete denial of all reserved rights. Unfortunately, the current language seems to read as just such a denial. I would suggest that the following language be substituted for the first sentence of Section 302(a):

> Nothing in this Act or in the Wilderness Act shall be construed as creating any new express or implied reservations of water or water rights for any purpose for the lands designated as Wilderness or Special Management Areas by this Act.

This language would reduce the ambiguity of Section 302(a) as it currently reads by eliminating the apparent contradictions between the first and last sentences of the section. It also eliminates what seems to me to be great overreaching by limiting the scope of the provision to S. 2055 rather than trying to extend it to "any other legislation." A more clearly drafted version of Section 302(a) would certainly avoid much expensive and unpleasant water rights litigation in the future.

2. Definition of "Road"

Section 309 of the bill excludes from Wilderness under the bill "any parallel track together with an area measured by 50 feet to each side from the center line of such track. . . which may be travelled by four wheel drive vehicles licensed for highway use by an appropriate state agency." This provision could riddle the Wilderness areas established by the bill with ORV corridors. The generally open terrain of much of Idaho, together with fragile granitic batholith soils, make it particularly vulnerable to scarring from the wheels of ORVs. Even one or two trips over a given track can leave visible scars for years. Thus, the Wilderness created by the bill would be criss-crossed with what amount to ORV corridors. The implications for wildlife are profound, as discussed earlier. The damage to the wilderness recreation resource is obvious, as well. The roar of the internal combustion engine is completely incompatible with the peaceful solitude sought by those who recreate in Wilderness areas. Perhaps even more dangerous is the precedent create by this provision for future wilderness consideration of roadless areas in the desert areas of the southern part of the state. These areas are even more vulnerable to ORVs because there are very few trees to block the path of four-wheel drive vehicles. Finally, this provision creates an incentive for ORV users to enter Wilderness areas and create new roads by roaring back and forth over Idaho's fragile terrain, allowing them later to claim that the road had existed there all along. At a minimum, this provision will create great difficulties for enforcing the requirements of the Wilderness Act that no motorized vehicles enter Wilderness Areas.

I would propose the following language as a more desirable substitute to subsection (a) of Section 309:

> For the purposes of this Act, "road" is defined as any parallel track or by-way regularly maintained for motor vehicles licensed for highway use by an agency of the federal government or any state, local, or government agency from the State of Idaho, or, if maintained by a private citizen, sufficiently travelled and maintained that, were it on private land, it would establish an easement by adverse possession under Idaho law.

This should sufficiently narrow the definition of "road" in S. 2055 so that trails or tracks that do not constitute a substantial intrusion of civilization into the Wilderness are not excluded from Wilderness areas, but at the same time it will exclude roads that do constitute such an intrusion. In addition, it would protect private users of the public lands who have invested substantial amounts in maintaining roads across public lands.

CONCLUSION

I strongly oppose S. 2055 because it is entirely inadequate to insure that Idaho's natural heritage will be passed down to our children. It omits areas essential to wildlife habitat and Idaho's recreational economy. It elevates political expediency over scientific principles in drawing Wilderness boundaries, thus insuring significant future declines in the biota inhabiting Idaho. It mandates below-cost timber sales in fragile areas, condemning many areas essential for the maintenance and recovery of Idaho's wildlife and fisheries. It violates fundamental principles of economics, favoring timber harvest at substantial cost not only to the public treasury but also to other industries that depend on healthy populations of fish and wildlife and untrammelled scenic areas, particularly the tourism industry. I support the alternative Wilderness bill submitted by Rep. Kostmayer in the House.

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